

08:52AM

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

Plaintiff,

v.

JOSEPH BONGIOVANNI,

Defendant.

Case No. 1:19-cr-227  
(LJV)

September 12, 2024

TRANSCRIPT EXCERPT - EXAMINATION OF CURTIS RYAN - DAY 3  
BEFORE THE HONORABLE LAWRENCE J. VILARDO  
UNITED STATES DISTRICT JUDGE

APPEARANCES:

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And

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PRESENT:

BRIAN A. BURNS, FBI Special Agent  
MARILYN K. HALLIDAY, HSI Special Agent  
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\* \* \* \* \*

(Excerpt commenced at 9:11 a.m.)

(Witness and Jury seated at 9:11 a.m.)

**THE COURT:** Good morning.

**JURORS:** Good morning.

**THE COURT:** You all look great in your blue and  
white.

**JURORS:** Theme day.

**THE COURT:** The record will reflect that all our  
jurors are present again.

I remind the witness that he's still under oath.

And, Mr. MacKay, you may continue.

**C U R T I S   R Y A N**, having been previously duly called and  
sworn, continued to testify as follows:

**(CONT'D) CROSS-EXAMINATION BY MR. MacKAY:**

Q. Good morning again, Agent Ryan.

A. Good morning.

09:12AM 1 Q. I just want to kind of recenter us and get us back on  
09:12AM 2 track of what we were talking about yesterday.

09:12AM 3 You were one of the two lead investigators into  
09:12AM 4 Mr. Bongiovanni, correct? With HSI?

09:12AM 5 A. Yes.

09:12AM 6 Q. Okay. That would be you and Agent Halliday, correct?

09:12AM 7 A. Yes.

09:12AM 8 Q. And then there was obviously an OIG component with Agents  
09:12AM 9 Fusco and Carpenter, correct?

09:12AM 10 A. Yes.

09:12AM 11 Q. Okay. I think we discussed yesterday, when you sat  
09:12AM 12 Mr. Bongiovanni down in June of 2019, one of the -- at least  
09:12AM 13 part of the answer he gave to you for why he brought the  
09:13AM 14 Serio file home was that he wanted to show that he did  
09:13AM 15 legitimate work on the file, correct?

09:13AM 16 A. Yes.

09:13AM 17 Q. And you had testified that after that July 20th, 2018  
09:13AM 18 date, you had tried to keep any investigation about  
09:13AM 19 Mr. Bongiovanni in connection to Serio from Mr. Bongiovanni,  
09:13AM 20 correct?

09:13AM 21 A. Yes.

09:13AM 22 Q. And we walked through, though, I showed you Government  
09:13AM 23 Exhibit 26E that was a DARTS email about a month and a day  
09:13AM 24 later that you caused to be generated, correct?

09:13AM 25 A. Yes.

09:13AM 1 Q. And we saw in there, if you recall, there's reference in  
09:13AM 2 there to the Ron Serio drug-trafficking organization,  
09:13AM 3 correct?

09:13AM 4 A. Yes.

09:13AM 5 Q. And the Ron Serio drug-trafficking organization was what  
09:13AM 6 you understood Mr. Bongiovanni was investigating back in 2013  
09:13AM 7 with the Wayne Anderson/Ron Serio file, correct?

09:13AM 8 A. Yes.

09:13AM 9 Q. Okay. And 100A, that's that Redweld you talked about,  
09:13AM 10 correct?

09:13AM 11 A. Yes.

09:13AM 12 Q. You reviewed that, ultimately, prior to testifying here  
09:14AM 13 today, correct?

09:14AM 14 A. Yes.

09:14AM 15 Q. As part of your investigation, you went through all the  
09:14AM 16 documents, correct?

09:14AM 17 A. Yes.

09:14AM 18 Q. And part of that was you actually had to scan them in and  
09:14AM 19 make them into a digital version, correct?

09:14AM 20 A. I didn't scan them all, but I helped with that, yes.

09:14AM 21 Q. Right, you were part of that process to ultimately  
09:14AM 22 produce what we're going to go through as 100A.1, correct?

09:14AM 23 A. Yes.

09:14AM 24 Q. All right. Now, in your experience with -- as HSI agent  
09:14AM 25 working over with the DEA, just remind the jury, working

09:14AM 1 files, is it fair to characterize them as sort of the agent's  
09:14AM 2 personal collection of papers on a file while they're working  
09:14AM 3 the file?

09:14AM 4 A. It's the documents that don't go to the official file in  
09:14AM 5 the file room.

09:14AM 6 Q. Okay. Fair to characterize it's something like the  
09:14AM 7 documents sort of immediately needed for the agent that they  
09:14AM 8 might thumb through when they're working on the case?

09:14AM 9 A. Yes.

09:14AM 10 Q. It's kind of the quick reference to the file, maybe?

09:15AM 11 A. That's one reason to have those, yes.

09:15AM 12 Q. Right, yeah. I'm just kind of trying to paint the  
09:15AM 13 picture, that the working file is something that the agent  
09:15AM 14 has at their quick disposal so that they don't have to go to  
09:15AM 15 the sort of master file to get the stuff out of every time,  
09:15AM 16 correct?

09:15AM 17 A. Right.

09:15AM 18 Q. And ultimately, the agent, according to policy, should  
09:15AM 19 put everything in the final master file, correct?

09:15AM 20 A. Yes.

09:15AM 21 Q. And at that time back in 2013, DEA was transitioning to  
09:15AM 22 an electronic file system, correct?

09:15AM 23 A. I don't know, I wasn't there in 2013.

09:15AM 24 Q. No, when -- you came on board, again, when? At the DEA  
09:15AM 25 as a task force officer.

09:15AM 1 A. Late '16, early '17, somewhere in there.

09:15AM 2 Q. By then, the -- the shared or master files were all

09:15AM 3 electronic?

09:15AM 4 A. No. There were still paper case files in the file room

09:15AM 5 then.

09:15AM 6 Q. Okay. So, fair to say it was still in transition working

09:15AM 7 its way from paper to electronic?

09:15AM 8 A. Yes.

09:15AM 9 Q. And then at some point in time after that, the files do

09:15AM 10 become fully electronic?

09:16AM 11 A. Not while I was there. I don't know.

09:16AM 12 Q. Okay. All right. So, I want to go through some of the

09:16AM 13 things in 100A.1.

09:16AM 14 **MR. MacKAY:** Ms. Champoux, can you pull up Government  
09:16AM 15 Exhibit 100A.1?

09:16AM 16 Can we start with the 4-19-13 subscriber list PDF  
09:16AM 17 right at the top?

09:16AM 18 And can we just rotate that, please?

09:16AM 19 **BY MR. MacKAY:**

09:16AM 20 Q. Okay. This is a subscriber list, correct?

09:16AM 21 A. Yes.

09:16AM 22 Q. Tell the jury again what this, what we're looking at  
09:16AM 23 here, what one of these documents does?

09:16AM 24 A. I think this is a report from PenLink, that's what it  
09:16AM 25 looks like to me. So, it's a list of the subscribers

09:16AM 1 identified in that subset of the data in PenLink.

09:16AM 2 Q. So, what I'm trying to get the jury to understand is how  
09:17AM 3 do we get this list, how does somebody get this list  
09:17AM 4 produced? Does it come from a phone number that's already  
09:17AM 5 been generated somewhere? How do we wind up with this  
09:17AM 6 document?

09:17AM 7 A. Subpoenas of all of these phone numbers for the  
09:17AM 8 subscriber information.

09:17AM 9 Q. Okay. And in your experience, typically it's the intel  
09:17AM 10 analyst who worked to produce the subpoenas and get the  
09:17AM 11 subpoena returns back?

09:17AM 12 A. I always produced my own, but I know the intel analysts  
09:17AM 13 often did it, as well.

09:17AM 14 Q. And obviously there's two parts of that. The subpoena  
09:17AM 15 has to go out the door to get the information, correct?

09:17AM 16 A. Yes.

09:17AM 17 Q. And then the subpoena return comes back to the DEA with  
09:17AM 18 raw data, correct?

09:17AM 19 A. Yes.

09:17AM 20 Q. And then that data has to be essentially parsed and  
09:17AM 21 sorted into something, and is it fair to say that that's sort  
09:17AM 22 of what was this something is that we're looking at?

09:17AM 23 A. Yes, it's a report from the something, which I think at  
09:17AM 24 the time was a software called PenLink.

09:17AM 25 Q. Right. Yeah. Again, I know it's a little painful to

09:18AM 1 step through step by step, but I want to go through that, you  
09:18AM 2 know, a subpoena goes out the door, information comes back,  
09:18AM 3 it's put into a program that ultimately generates a report  
09:18AM 4 like this, correct?

09:18AM 5 A. Yes.

09:18AM 6 Q. And in your experience, agents use this to sort of, for  
09:18AM 7 example, find out what numbers are most calling a specific  
09:18AM 8 number, correct?

09:18AM 9 A. Well, this one, the hot sheet is the what numbers most  
09:18AM 10 called. This is more about who the people are that are  
09:18AM 11 calling.

09:18AM 12 Q. Okay. Yeah, we'll get to one of those there. This is  
09:18AM 13 just, usually this is organized by alphabetical list,  
09:18AM 14 correct? Alphabetically by last name, it looks like,  
09:18AM 15 correct?

09:18AM 16 A. Yes.

09:18AM 17 Q. So, what this list shows is for a specific number that  
09:18AM 18 was subpoenaed, these are the numbers that are calling that  
09:18AM 19 number, correct?

09:18AM 20 A. I don't --

09:18AM 21 Q. Interacting with that number?

09:18AM 22 A. I think this is all of the -- this is based on all of the  
09:18AM 23 numbers that were subpoenaed in that case file. You'd have  
09:18AM 24 to run a different report to figure out which numbers where  
09:19AM 25 interacting with which.



09:19AM 1 Q. And what's that report?

09:19AM 2 A. It could be a hot list. Or you could query by the one  
09:19AM 3 number that you're talking about, and then it would -- you  
09:19AM 4 know, if you set the query up properly, it would return all  
09:19AM 5 the numbers that talked to that number.

09:19AM 6 Q. Okay. And again, you said that oftentimes it's the --  
09:19AM 7 well, not in your experience with what do you with your own  
09:19AM 8 reports, but you know that a lot of times the analysts run  
09:19AM 9 this actual, like, I think you said, PenLink software?

09:19AM 10 A. Yes.

09:19AM 11 Q. And then they produce the reports and turn them over to  
09:19AM 12 the agents, correct?

09:19AM 13 A. Yes.

09:19AM 14 **MR. MacKAY:** Now, Ms. Champoux, can we pull up -- can  
09:19AM 15 we take this down, and can we pull up the file 81513  
09:19AM 16 electronic records, electric records?

09:19AM 17 Okay.

09:19AM 18 **BY MR. MacKAY:**

09:19AM 19 Q. Okay. All right. This is another document in the file;  
09:19AM 20 fair to say?

09:19AM 21 A. Yes.

09:19AM 22 **MR. MacKAY:** And this -- can we go to, I think it's  
09:19AM 23 page 2.

09:19AM 24 **BY MR. MacKAY:**

09:19AM 25 Q. Okay. This looks like a return for some sort of

09:20AM 1 information request regarding utilities at an address,  
09:20AM 2 correct?

09:20AM 3 A. It's for electric from National Grid.

09:20AM 4 Q. Right. So, something -- so a request went out to  
09:20AM 5 National Grid, and this is what came back regarding a  
09:20AM 6 specific address, correct?

09:20AM 7 A. Yes.

09:20AM 8 Q. And in this specific document, it's the address of 1195  
09:20AM 9 Hertel Avenue, correct?

09:20AM 10 A. Yes.

09:20AM 11 Q. And, you know, based on the name, it appears that the  
09:20AM 12 person in whom the utilities are named is John Suppa,  
09:20AM 13 correct?

09:20AM 14 A. Yes.

09:20AM 15 Q. And did you understand this 1195 Hertel Avenue in the  
09:20AM 16 course of your investigation to have any significance?

09:20AM 17 A. There were several addresses that were controlled by Ron  
09:20AM 18 Serio. I wasn't reinvestigating all of this, so this wasn't  
09:20AM 19 all that important to me --

09:20AM 20 Q. Well, did you understand --

09:20AM 21 A. -- the actual address.

09:20AM 22 Q. Did you understand this address to come up in the  
09:20AM 23 investigation at any point, this 1195 Hertel Avenue?

09:20AM 24 A. Which investigation?

09:21AM 25 Q. When you were reviewing the Wayne Anderson file, in

1 looking at what had been done back in 2013, and reviewing the  
2 original investigation, did you understand this 1195 Hertel  
3 Avenue address to come up?

4 A. I mean, I know it came up because it's here, I don't  
5 remember anything else about it.

6 Q. Okay. And, so, you don't know whether they were  
7 investigating this location as a grow location, correct?

8 A. I know they were investigating grow locations, I don't  
9 remember the addresses.

10 Q. Okay. And subpoenaing utilities is one way agents can  
11 investigate whether a location may be a grow location,  
12 correct?

13 A. One way.

14 Q. Because they're looking for out of the ordinary  
15 electronic usage, correct?

16 A. Yes.

17 **MR. MacKAY:** All right. Ms. Champoux, can we take  
18 that down? Can we pull up the file 467 Tacoma, elec sub?  
19 Can we zoom out a little bit, please?

20 **BY MR. MacKAY:**

21 Q. And this, for example, what we're looking at, this is a  
22 subpoena for electric records, correct?

23 A. Yes.

24 Q. Okay. And it appears to be associated with this address,  
25 467 Tacoma Avenue?

09:22AM 1 A. And also 469.

09:22AM 2 Q. And 469.

09:22AM 3 **MR. MacKAY:** Can we scroll down on that?

09:22AM 4 **BY MR. MacKAY:**

09:22AM 5 Q. Okay. It also appears in the same document to have  
09:22AM 6 that -- there's a reference to this 132 Rhode Island Street?

09:22AM 7 A. Yes.

09:22AM 8 Q. Okay.

09:22AM 9 A. I don't know if that -- that could be something that I  
09:22AM 10 caused, or shuffling of the papers caused, I don't  
09:22AM 11 necessarily know that they go together.

09:22AM 12 Q. Okay. But you had said, you know, at least from what you  
09:22AM 13 could see and what you knew about the Wayne Anderson  
09:22AM 14 investigation, that there were some grow locations being  
09:22AM 15 investigated, correct?

09:22AM 16 A. Yes.

09:22AM 17 **MR. MacKAY:** All right. Can we scroll down a little  
09:22AM 18 further, Ms. Champoux?

09:22AM 19 **BY MR. MacKAY:**

09:22AM 20 Q. And again, here, I think we're on page 3 now, again, this  
09:23AM 21 is a return for an electric subpoena, correct?

09:23AM 22 A. Yes.

09:23AM 23 Q. And it's just showing who properties might be associated  
09:23AM 24 with, correct?

09:23AM 25 A. Yes.

09:23AM 1 **MR. MacKAY:** All right. Let's take that down,  
09:23AM 2 Ms. Champoux, can we go to document that begins with a 561801?  
09:23AM 3 That one right there.  
09:23AM 4 **BY MR. MacKAY:**  
09:23AM 5 Q. Okay. Now, this, I think you looked at this on direct,  
09:23AM 6 this is what's called a hot sheet, correct?  
09:23AM 7 A. Yes.  
09:23AM 8 Q. This looks kind of similar to what we were looking at  
09:23AM 9 before but it's a little bit different, correct?  
09:23AM 10 A. It's different in that it's organized by the number of  
09:23AM 11 times the number's been called from most times to least.  
09:23AM 12 Q. Okay. So, it's circled up here and it's -- you can see  
09:23AM 13 it says hot number list is what you're referring to as a hot  
09:23AM 14 sheet, correct?  
09:23AM 15 A. Yes.  
09:23AM 16 Q. Okay. And this one appears to have been on  
09:23AM 17 November 30th, 2012, correct?  
09:24AM 18 A. Yes.  
09:24AM 19 Q. Okay. Now, and the number, you knew that to be from your  
09:24AM 20 investigation Tom Serio's number?  
09:24AM 21 A. Yes.  
09:24AM 22 Q. Okay. And again, I think you were directing everybody's  
09:24AM 23 attention to the way this is organized. So if you look from  
09:24AM 24 rows one down further, fair to say what you're telling us is  
09:24AM 25 that this report organizes the numbers that called this

09:24AM 1 561-801-0221 number in order of who called the most and who  
09:24AM 2 called the least, correct?

09:24AM 3 A. The calls both directions, but yes.

09:24AM 4 Q. Yes. So, so, what this report generates is looking at  
09:24AM 5 all the calls both directions, in and out of that cell phone  
09:24AM 6 number of Tom Serio's, and its ranking them by where the most  
09:24AM 7 frequent to least frequent, correct?

09:24AM 8 A. Yes.

09:24AM 9 Q. Okay. And what's the investigative use for one of these  
09:24AM 10 in an DEA investigation?

09:24AM 11 A. Well, this one to me looks like a starting point. And  
09:25AM 12 then you have to make a decision about whether or not you're  
09:25AM 13 going to subpoena all of these numbers in the tolls, or  
09:25AM 14 select certain ones, prioritize the order you're going to do  
09:25AM 15 the next round of subpoenas in.

09:25AM 16 Q. Okay. And you're talking about there's multiple rounds  
09:25AM 17 of subpoenas. This hot sheet list, does this come after one  
09:25AM 18 subpoena has already been sent out and information has come  
09:25AM 19 back about phone numbers for -- connected to a specific phone  
09:25AM 20 number?

09:25AM 21 A. To me, this looks like one of the first subpoenas done in  
09:25AM 22 the file.

09:25AM 23 Q. Okay.

09:25AM 24 A. Because of the -- there are so many no subscriber  
09:25AM 25 entries, if previous subpoenas had been done that identified

09:25AM 1 subscribers, some of those should populate.

09:25AM 2 Q. Yeah, I guess, so the question I have is the previous  
09:25AM 3 document we looked at, that subscriber list, you send out a  
09:25AM 4 subpoena in general to a number and you get back the  
09:25AM 5 information about it, correct?

09:25AM 6 A. Yes.

09:25AM 7 Q. Now, what we saw before was the alphabetically organized  
09:25AM 8 list, now we've got the hot sheet. Do those two reports get  
09:26AM 9 generated at the same time, or is it sort of one after  
09:26AM 10 another in practice?

09:26AM 11 A. The subscriber list filled in like that one was --

09:26AM 12 Q. Yes.

09:26AM 13 A. -- would have to come after several rounds of subpoenas.

09:26AM 14 Q. Okay. So, I mean, again, we're just kind of going  
09:26AM 15 through it step by step. But the first stage is you've got  
09:26AM 16 to figure out what numbers generally are calling or being  
09:26AM 17 called by a number, correct?

09:26AM 18 A. Yes.

09:26AM 19 Q. So, that's the first round of subpoenas that goes out,  
09:26AM 20 and you get back that information presumably in response to  
09:26AM 21 the subpoena, correct?

09:26AM 22 A. Yes.

09:26AM 23 Q. And then what an agent might do then is produce that list  
09:26AM 24 that we saw before that shows all of the numbers that call  
09:26AM 25 it, correct?

09:26AM 1 A. Yes.

09:26AM 2 Q. Or -- or are being called by that number, correct?

09:26AM 3 A. Right.

09:26AM 4 Q. And then the next stage would be if there's a lot of no

09:26AM 5 subscribers, they would have to further subpoena who those

09:26AM 6 numbers are and figure out, like, I'm sorry, they would have

09:26AM 7 to subpoena those numbers to figure out who the actual

09:26AM 8 subscriber is, correct?

09:26AM 9 A. Right.

09:26AM 10 Q. So, if we look at this report dated 11/30/2012, and we'll

09:27AM 11 just take for example row number 2, there's a number, but

09:27AM 12 there's no subscriber; fair to say?

09:27AM 13 A. Yes.

09:27AM 14 Q. So, what this says is that in November of 2012, whoever's

09:27AM 15 viewing this report knows that this 533-6338 number called

09:27AM 16 Tom Serio's number, but they don't know who it is, correct?

09:27AM 17 A. Right.

09:27AM 18 Q. Because they, you know, it says no subscriber, so --

09:27AM 19 correct?

09:27AM 20 **MR. TRIPI:** Objection as to what someone else knows,

09:27AM 21 and who are "they."

09:27AM 22 **THE COURT:** No.

09:27AM 23 **MR. TRIPI:** Speculative, Judge.

09:27AM 24 **THE COURT:** I understand what you're saying,

09:27AM 25 Mr. Tripi, but no, I think it's a fair question.



09:27AM

1

**BY MR. MacKAY:**

09:27AM

2

Q. All right. So, somebody viewing this would not know

09:27AM

3

the -- who that 533 number is associated with because the

09:27AM

4

report is saying no subscriber, correct?

09:27AM

5

A. Unless they already knew the number, right, the report

09:27AM

6

doesn't tell you.

09:27AM

7

Q. Right. But this report alone just says no subscriber,

09:27AM

8

correct?

09:27AM

9

A. Right.

09:27AM

10

Q. So, the next step is that 533 number would have to be

09:28AM

11

subpoenaed independently, correct?

09:28AM

12

A. Yes.

09:28AM

13

Q. And then that subpoena would return information

09:28AM

14

presumably identify who's -- who the subscriber for the 533

09:28AM

15

number is, correct?

09:28AM

16

A. If it's the type of phone where the company has the

09:28AM

17

subscriber data, then yes.

09:28AM

18

Q. Right. So, in order to get a list like this ultimately

09:28AM

19

filled in that doesn't say no subscribers, you've got to do a

09:28AM

20

second round of subpoenas to get the subscribers from all of

09:28AM

21

these numbers, correct?

09:28AM

22

A. Yes.

09:28AM

23

Q. So, that's what, if I'm understanding it correctly, when

09:28AM

24

you first said this looks like a very early on in the

09:28AM

25

investigation document, it's because none of these numbers

09:28AM 1 have the subscribers associated with them yet, correct?

09:28AM 2 A. Correct.

09:28AM 3 Q. Okay. And you said generally investigation, I think,

09:28AM 4 you've got to do multiple rounds of these subpoenas to sort of

09:28AM 5 fill in and identify who all these folks are that call each

09:28AM 6 other, correct?

09:28AM 7 A. Yes.

09:28AM 8 Q. And then a separate level of investigation might be, in

09:29AM 9 your experience, to then take the subscriber names that you

09:29AM 10 find from these numbers and subpoena utilities associated

09:29AM 11 with the addresses, correct?

09:29AM 12 A. You could, yes.

09:29AM 13 Q. If there's a suspicion that that might be a grow

09:29AM 14 location, you would do, for example, the utilities subpoenas,

09:29AM 15 correct?

09:29AM 16 A. Well, I don't think that's the track. If I had a

09:29AM 17 suspicion about a location, I would subpoena the location.

09:29AM 18 If I was looking at a person, then I would subpoena by the

09:29AM 19 person.

09:29AM 20 Q. Right. But I guess what I'm saying is you might not in

09:29AM 21 your investigation know where a location is until you have it

09:29AM 22 off of a subscriber information subpoena return, correct?

09:29AM 23 A. That's correct.

09:29AM 24 Q. And you might not even know who the subscriber is in the

09:29AM 25 first place until you have that back from the subpoena

09:29AM 1 return, correct?

09:29AM 2 A. Correct.

09:29AM 3 Q. So, what I'm saying generally speaking is sometimes

09:29AM 4 multiple rounds of subpoenas are necessary to get to the

09:30AM 5 point where you as an agent have names and addresses that you

09:30AM 6 can work further in your investigation, correct?

09:30AM 7 A. Yes.

09:30AM 8 Q. Okay. And I think you went through this earlier, but at

09:30AM 9 the top it's circled it says, C2-11-0126, that file number,

09:30AM 10 correct?

09:30AM 11 A. Yes.

09:30AM 12 Q. And that was not the Wayne Anderson file, correct?

09:30AM 13 A. It's not.

09:30AM 14 Q. And below it, it says the name Bongo, right?

09:30AM 15 A. Yes.

09:30AM 16 Q. And you understood that in your investigation or your

09:30AM 17 personal time at the DEA to be Joe Bongiovanni's nickname,

09:30AM 18 correct?

09:30AM 19 A. Yes.

09:30AM 20 Q. So, and I think you told us on direct it's common for

09:30AM 21 intel analysts to write this sort of information on the top

09:30AM 22 of one of these reports, correct?

09:30AM 23 A. Yes.

09:30AM 24 Q. Because ultimately, they have to give these reports in

09:30AM 25 paper form to one of the agents, correct?

09:30AM 1 A. Yes.

09:30AM 2 Q. So, at least from what you can tell in this report, it

09:30AM 3 looks like an agent wrote this case number and Joe

09:31AM 4 Bongiovanni's nickname to provide him with this report that

09:31AM 5 we see here, correct?

09:31AM 6 A. Yes.

09:31AM 7 Q. Okay. And in your experience with the DEA as a TFO, it's

09:31AM 8 not uncommon for agents to work other agents' cases, correct?

09:31AM 9 A. To assist each other?

09:31AM 10 Q. To assist, yes.

09:31AM 11 A. Yes, that's correct.

09:31AM 12 Q. Okay.

09:31AM 13 **MR. MacKAY:** All right. Ms. Champoux, can we take  
09:31AM 14 that down and can we pull up -- it's the next one down,  
09:31AM 15 716-481-8002 toll analysis.

09:31AM 16 **BY MR. MacKAY:**

09:31AM 17 Q. Okay. So now, we're looking at another toll analysis,  
09:31AM 18 correct?

09:31AM 19 A. Yes.

09:31AM 20 Q. Okay. And, you know, based on the file number, and this  
09:32AM 21 number circled at the top, you understand this to be John  
09:32AM 22 Robinson's phone number?

09:32AM 23 A. I don't see a file number. I recognize that telephone  
09:32AM 24 number.

09:32AM 25 Q. Oh, when I was talking about the file number at the top,

09:32AM 1 I guess I meant the actual file number PDF.

09:32AM 2 A. Oh, the file name? Yes.

09:32AM 3 Q. But do you recognize both from that file name and from

09:32AM 4 the number that's here, do you recognize that to be John

09:32AM 5 Robinson's cell phone number?

09:32AM 6 A. Yes.

09:32AM 7 Q. Okay. Now when we go back, do you recall that being a

09:32AM 8 number that -- strike that.

09:32AM 9 So, this is occurring on April 19th of 2013, correct?

09:32AM 10 A. Yes.

09:32AM 11 Q. Okay. And this is, you know, about six months almost

09:32AM 12 after that initial Tom Serio document we looked at, correct?

09:32AM 13 A. Yes.

09:32AM 14 Q. Okay. All right. Now, so what this -- what this is, so

09:32AM 15 the jury understands, is a list of numbers that are calling

09:32AM 16 or being called by John Robinson's phone number, correct?

09:33AM 17 A. Yes.

09:33AM 18 Q. Okay. And, you know, some numbers we see here are Tom

09:33AM 19 Serio, correct?

09:33AM 20 A. Yes.

09:33AM 21 **MR. MacKAY:** Ms. Champoux, can we go to the next  
09:33AM 22 page, please?

09:33AM 23 Just rotate that.

09:33AM 24 **BY MR. MacKAY:**

09:33AM 25 Q. And okay. Some other names came up that you knew had

09:33AM 1 some significance in the Wayne Anderson investigation. Do  
09:33AM 2 you recall the name T.S.?

09:33AM 3 A. Yes.

09:33AM 4 Q. Okay. Do you recall Hard Core Tattoo?

09:33AM 5 A. Yes.

09:33AM 6 Q. Okay. You say there was Ron Serio, correct?

09:33AM 7 A. Yes.

09:33AM 8 Q. Michael Moynihan?

09:33AM 9 A. Yes.

09:33AM 10 Q. We've talked about him already, but Tom Serio?

09:34AM 11 A. Yes.

09:34AM 12 **MR. MacKAY:** Can we go to the next page,

09:34AM 13 Ms. Champoux?

09:34AM 14 **BY MR. MacKAY:**

09:34AM 15 Q. Here we see Michael Masecchia?

09:34AM 16 A. Yes.

09:34AM 17 Q. Chris Baker?

09:34AM 18 A. Yes.

09:34AM 19 Q. Looks like there's a couple different numbers there for  
09:34AM 20 him, correct?

09:34AM 21 A. Two.

09:34AM 22 Q. Paul Francoforte?

09:34AM 23 A. Yes.

09:34AM 24 Q. Michael Buttitta?

09:34AM 25 A. Yes.

09:34AM 1 Q. Okay.

09:34AM 2 **MR. MacKAY:** Then can we go to the next page,  
09:34AM 3 Ms. Champoux?

09:34AM 4 **BY MR. MacKAY:**

09:34AM 5 Q. Mark Kagan, correct?

09:34AM 6 A. Yes.

09:34AM 7 Q. And Mark Kagan, you understood in the course of your  
09:34AM 8 investigation, to have some source of supply -- source of  
09:34AM 9 supply relationship with Ron Serio?

09:34AM 10 A. Source of supply, or maybe brokers of source of supply.

09:35AM 11 Q. Okay. Now, when you looked at one of the earlier  
09:35AM 12 documents, when we looked at one of the documents earlier in  
09:35AM 13 your testimony here, I think you described as being relatively  
09:35AM 14 early on in the process of an investigation, correct?

09:35AM 15 A. Are you talking about the Tom Serio subpoena?

09:35AM 16 Q. Yes.

09:35AM 17 A. Yes.

09:35AM 18 Q. Now, compared to that one, fair to say this one  
09:35AM 19 represents sort of a further step in the investigation,  
09:35AM 20 correct?

09:35AM 21 A. That's more filled in, yes.

09:35AM 22 Q. Yes, that's what I mean. Because there's more  
09:35AM 23 information here, it's fair to assume this is sort of further  
09:35AM 24 along in the investigative process, correct?

09:35AM 25 A. As far as subpoenas go anyways, yes.

Q. Right, because you talked about how there's multiple rounds of subpoenas this looks like it came after several rounds, correct?

A. Yes.

Q. Okay. And we know in any event that date-wise it's a number of months after that Tom Serio sheet, correct?

A. Yes.

**MR. MacKAY:** Can we take that down, Ms. Champoux?  
Can we pull up the -- going to the next one down, 716-578-5296. Okay.

**BY MR. MacKAY:**

Q. All right. So, and this is another hot sheet, correct?

A. Yes.

Q. But this one, this goes back, crossed it right out but I was trying to underline, this goes back to July 16th of 2012, correct?

A. It does.

Q. So, this is even earlier than that prior sheet we looked at with Tom Serio, correct?

A. Yes.

Q. And this one, there's a case number in the upper right-hand corner C2-12-0090, correct?

A. Yes.

Q. And that is not the Wayne Anderson file, correct?

A. It is not.



09:36AM 1 Q. And that is, do you recall that being the G.R. file  
09:36AM 2 number?

09:36AM 3 A. I remember the name G.R., I'd need to see the documents  
09:36AM 4 to be able to say for sure that it's -- that's the right case  
09:36AM 5 number.

09:36AM 6 Q. Okay. If I told you that was the number from the case  
09:36AM 7 file, would you have any reason to disagree with me?

09:37AM 8 A. I'd like to see the documents before I say that it is or  
09:37AM 9 it isn't.

09:37AM 10 Q. Okay. I don't want to break off and kind of pull that  
09:37AM 11 off and go back, so let's stick with this document for a  
09:37AM 12 moment.

09:37AM 13 This is a different number that's being looked up,  
09:37AM 14 correct? This -- this is a different number than the one in  
09:37AM 15 November that's being looked up, correct?

09:37AM 16 A. Yes.

09:37AM 17 Q. This is a 716 area code, correct?

09:37AM 18 A. Yes.

09:37AM 19 Q. The one in November was a 561 area code, correct?

09:37AM 20 A. Yes.

09:37AM 21 Q. But based on the address and the name that's written next  
09:37AM 22 to it, it looks like this is also for Tom Serio though,  
09:37AM 23 correct?

09:37AM 24 A. Yes.

09:37AM 25 Q. Just generally speaking, the G.R. file, do you recall

1 that being one of Shane Nastoff's files?

2 A. I don't.

3 Q. Do you recall who worked it?

4 A. No.

5 Q. It wasn't Joe Bongiovanni; is that fair to say?

6 A. I don't know that either.

7 Q. Okay.

8 **MR. MacKAY:** Ms. Champoux, can we show the witness  
9 only --

10 **BY MR. MacKAY:**

11 Q. Would it help to refresh anything -- refresh your memory  
12 to show you something?

13 A. I mean, if I saw a report with names and case numbers on  
14 it, then yes.

15 **MR. MacKAY:** Sure. So Ms. Champoux, can we show for  
16 the witness only Government Exhibit 8J?

17 **MS. CHAMPOUX:** J?

18 **MR. MacKAY:** J as in Jim.

19 **BY MR. MacKAY:**

20 Q. Just take a look at that for a moment to yourself, let me  
21 know if that refreshes your recollection.

22 A. Yes. It's a --

23 **MR. MacKAY:** Let me just take that down.

24 Ms. Champoux, you can take that down.

25

09:38AM

1

**BY MR. MacKAY:**

09:38AM

2

Q. Does that refresh your recollection that the G.R. file

09:38AM

3

was, number 1, the case number was C2-12-0090?

09:38AM

4

A. I saw the case number and the agents. Could I see the

09:38AM

5

file title again?

09:38AM

6

**MR. MacKAY:** Yeah, can we show that again

09:38AM

7

Ms. Champoux?

09:39AM

8

**THE WITNESS:** Okay.

09:39AM

9

**MR. MacKAY:** Okay. All right. We can take that

09:39AM

10

down, Ms. Champoux.

09:39AM

11

**BY MR. MacKAY:**

09:39AM

12

Q. So, again, back to both of my questions. Does that

09:39AM

13

refresh your recollection first on what the case number for

09:39AM

14

G.R. was?

09:39AM

15

A. C2-12-0090.

09:39AM

16

Q. And number two, who the agent was who worked that case?

09:39AM

17

A. Shane Nastoff.

09:39AM

18

Q. Okay.

09:39AM

19

**MR. MacKAY:** We can take that down, Ms. Champoux.

09:39AM

20

Can we pull up the next one down -- actually, I'm sorry, one

09:39AM

21

more down. 716-830-3226 hot sheet.

09:39AM

22

**BY MR. MacKAY:**

09:39AM

23

Q. Okay. Now, this is another hot sheet that's run,

09:39AM

24

correct?

09:39AM

25

A. Yes.

09:39AM 1 Q. So, again, for the jury, that's the report that itemizes  
09:39AM 2 in order of most called to the least called, the numbers  
09:39AM 3 interacting with the main number, correct?

09:39AM 4 A. Yes.

09:39AM 5 Q. And the number being focused on here is the 716-830-3226  
09:40AM 6 number, correct?

09:40AM 7 A. Yes.

09:40AM 8 Q. And you understand that to be Ron Serio's cell phone  
09:40AM 9 number?

09:40AM 10 A. I think it was one of them, yes.

09:40AM 11 Q. Okay. And this is occurring, this report is being run,  
09:40AM 12 April 19th of 2013?

09:40AM 13 A. Yes.

09:40AM 14 Q. Okay. So again, some of the same names were showing up,  
09:40AM 15 I'm going to go through the names here, and let me know if  
09:40AM 16 these are the same names you saw on some of the other hot  
09:40AM 17 sheets and subscriber lists I showed you.

09:40AM 18 Chris Baker, correct?

09:40AM 19 A. Yes.

09:40AM 20 Q. Okay. Looks like he's interacting with Ron Serio's phone  
09:40AM 21 number, he's either calling him or getting called by Chris  
09:40AM 22 Baker 446 times, correct?

09:40AM 23 A. Yes.

09:40AM 24 Q. There's his brother, Tom Serio, correct?

09:40AM 25 A. Yes.

09:40AM 1 Q. 127 times they're calling or -- in some fashion, correct?

09:41AM 2 A. Yes.

09:41AM 3 Q. Mike Buttitta, correct?

09:41AM 4 A. Yes.

09:41AM 5 Q. And that's 77 times?

09:41AM 6 A. Yes, it is.

09:41AM 7 Q. T.S.?

09:41AM 8 A. Yes, I see that.

09:41AM 9 **MR. MacKAY:** Go to the next page, Ms. Champoux.

09:41AM 10 **BY MR. MacKAY:**

09:41AM 11 Q. Michael Masecchia?

09:41AM 12 A. Yes.

09:41AM 13 Q. Michael Moynihan?

09:41AM 14 A. Yes.

09:41AM 15 Q. Mark Kagan?

09:41AM 16 A. Yes.

09:41AM 17 Q. Paul Francoforte?

09:41AM 18 A. Yes.

09:41AM 19 Q. Hard Core Tattoos?

09:41AM 20 A. Yes.

09:41AM 21 Q. Okay. And just those were some of the same numbers we

09:41AM 22 saw, appear to have interacted with some of the prior numbers

09:41AM 23 that were in prior subscriber lists and hot sheets, correct?

09:41AM 24 A. Yes.

09:42AM 25 Q. Okay. So, it seems to be that at least from what you can

09:42AM 1 see there's several reports here that have an overlap in the  
09:42AM 2 same names and numbers being called, correct?

09:42AM 3 A. Yes.

09:42AM 4 Q. Now, you were shown in exhibit, Government

09:42AM 5 Exhibit 100E-1, do you remember that one? That's the list,  
09:42AM 6 the handwritten list of numbers?

09:42AM 7 A. Yes.

09:42AM 8 Q. And that came out of the Redweld which you know to be  
09:42AM 9 Government Exhibit 100A, correct?

09:42AM 10 A. Yes.

09:42AM 11 Q. Fair to say a lot of the names we just went through were  
09:42AM 12 names and numbers that were on that handwritten sheet,  
09:42AM 13 correct?

09:42AM 14 A. Yes.

09:42AM 15 Q. Okay.

09:42AM 16 **MR. MacKAY:** Ms. Champoux, we can take down that  
09:42AM 17 document.

09:42AM 18 Let's go two more down. We've got the cursor, Baker  
09:42AM 19 C rap sheet.

09:42AM 20 If we can zoom out a little bit.

09:42AM 21 **BY MR. MacKAY:**

09:42AM 22 Q. Okay. This, you know to be sort of a criminal history  
09:42AM 23 check of somebody, correct?

09:43AM 24 A. Yes. It's a -- we call it a "triple I check," it stands  
09:43AM 25 for Interstate Identification Index.

09:43AM 1 Q. Okay. And sort of layman's terms, is this like running a  
09:43AM 2 rap sheet on somebody?

09:43AM 3 A. No, this won't necessarily give you the rap sheet. The  
09:43AM 4 triple I check tells you if someone has a rap sheet and then  
09:43AM 5 there's another step you take to go find it.

09:43AM 6 Q. Okay. So, this is sort of the initial step of finding  
09:43AM 7 out whether somebody has a prior criminal history, correct?

09:43AM 8 A. Yes.

09:43AM 9 Q. So, you have a name and some personal identification  
09:43AM 10 information, you can send out a query to this NCIC  
09:43AM 11 organization and you get back, in this sort of report, an  
09:43AM 12 initial response of whether there's a rap sheet to be found  
09:43AM 13 for that individual, correct?

09:43AM 14 A. Right.

09:43AM 15 Q. Could come back and there's no criminal history, correct?

09:43AM 16 A. It would come back and say no record on file, but yeah,  
09:43AM 17 means a person's not in there.

09:44AM 18 Q. Yeah, and then opposite would be it says there is  
09:44AM 19 something in there, correct?

09:44AM 20 A. Yes.

09:44AM 21 Q. And then you can do a further search to find out what the  
09:44AM 22 person's prior criminal history is, correct?

09:44AM 23 A. Yes.

09:44AM 24 Q. And you can see this report is being run by  
09:44AM 25 Mr. Bongiovanni, correct?

09:44AM

1 A. Yes.

09:44AM

2 Q. And it's being run on that same date as that hot sheet

09:44AM

3 you saw before, April 19th, 2013, correct?

09:44AM

4 A. Yes.

09:44AM

5 Q. And we saw the name Chris Baker on that April 19th, 2013

09:44AM

6 hot sheet, correct?

09:44AM

7 A. Yes.

09:44AM

8 Q. So, is it fair to say a standard investigative procedure

09:44AM

9 is to start doing some criminal history inquiries into

09:44AM

10 individuals that show up on hot sheets?

09:44AM

11 A. Yes.

09:44AM

12 Q. Fair to say that, sort of, we talked about earlier and I

09:44AM

13 don't want to keep going through every little step, but that

09:44AM

14 there's multiple rounds of subpoenas to get information on

09:45AM

15 phone numbers and individuals, correct?

09:45AM

16 A. Yes.

09:45AM

17 Q. And that helps to identify, in your experience, who's

09:45AM

18 most in contact with a phone number, correct?

09:45AM

19 A. Yes.

09:45AM

20 Q. And then, if you're investigating that contact the next

09:45AM

21 step might be something like this, which is figuring out

09:45AM

22 whether any of these individuals have prior criminal

09:45AM

23 histories, correct?

09:45AM

24 A. Yes.

09:45AM

25 Q. All right.



09:45AM 1 **MR. MacKAY:** Can we take this down, Ms. Champoux?

09:45AM 2 And then can we go to the next down, Baker C, toll  
09:45AM 3 analysis? Okay.

09:45AM 4 **BY MR. MacKAY:**

09:45AM 5 Q. Now, what are we looking at here in this document?

09:45AM 6 A. Well, in the first page, it's subscriber information for  
09:45AM 7 Chris Baker.

09:45AM 8 Q. Okay.

09:45AM 9 **MR. MacKAY:** Can we scroll down a little bit,  
09:45AM 10 Ms. Champoux?

09:45AM 11 **BY MR. MacKAY:**

09:45AM 12 Q. And then what are we seeing here?

09:45AM 13 A. Then this is a hot list for 716-830-3226.

09:45AM 14 Q. And that was Ron, one of Ron Serio's phone numbers,  
09:45AM 15 correct?

09:45AM 16 A. Yes.

09:45AM 17 Q. And this hot sheet was being run about a month before on  
09:45AM 18 the April date on March 19th, 2013, correct?

09:46AM 19 A. Yes.

09:46AM 20 Q. And, again, what this shows in common parlance is the  
09:46AM 21 most called numbers to and from Ron Serio's phone number,  
09:46AM 22 correct?

09:46AM 23 A. Yes.

09:46AM 24 Q. Because this would have been run, you know, a month  
09:46AM 25 before the April date, is it fair to say this sort of

09:46AM 1 captures a further back date as far as what the calls were?

09:46AM 2 Does that make sense?

09:46AM 3 A. I would have to go back and look at the date range again

09:46AM 4 to see how they match up, they're similar, but it, I mean, it

09:46AM 5 has to be at least, so, in other words, there's the date of

09:46AM 6 the report and then there's the date of the records.

09:46AM 7 Q. Okay.

09:46AM 8 A. You could run the report on multiple days without the

09:46AM 9 records changing, that's why the date range on right column

09:46AM 10 matters.

09:46AM 11 Q. Okay. So, that's right there. Yeah. So, I guess what

09:46AM 12 I'm asking is --

09:46AM 13 A. Well, no. Not that date range, the -- the -- that's the

09:46AM 14 date range that's queried. So basically, the query is run

09:46AM 15 against all records for all time right, because it goes from

09:47AM 16 1980 to 2099.

09:47AM 17 Q. Okay.

09:47AM 18 A. The date of the records is -- can I mark the screen?

09:47AM 19 Q. Yes.

09:47AM 20 A. It's this column.

09:47AM 21 Q. Okay. So, what this is saying, glad you sort of cleared

09:47AM 22 this up because I might not have explained it well.

09:47AM 23 What it's saying is the report date here encompasses in

09:47AM 24 some fashion February 10th of 2013 to March 11th of 2013,

09:47AM 25 correct?

09:47AM 1 A. Right. And so --

09:47AM 2 Q. And what does that date represent in terms of what this  
09:47AM 3 report is showing?

09:47AM 4 A. That's the date range of the phone records.

09:47AM 5 Q. Okay.

09:47AM 6 A. That are available for the system to analyze.

09:47AM 7 Q. Right. So, what that means is, is it fair to say that  
09:47AM 8 that's what this report is operating off of that got back  
09:47AM 9 from the subpoena?

09:47AM 10 A. Well --

09:47AM 11 Q. I'm trying to find out the easiest way to explain this.

09:47AM 12 So when the report -- the subpoena goes out, and you get  
09:47AM 13 back the subscriber information and the calls, is that what  
09:48AM 14 this date column is representing?

09:48AM 15 A. Yes.

09:48AM 16 Q. Is what was returned from the phone company as far as  
09:48AM 17 dates of activity?

09:48AM 18 A. Yes.

09:48AM 19 Q. Okay. So, at this point in time, it's analyzing  
09:48AM 20 February 10th, 2013, to March 11th, 2013, correct?

09:48AM 21 A. Yes.

09:48AM 22 **MR. MacKAY:** Ms. Champoux, can we jump back two  
09:48AM 23 documents to this one I've marked up there, the 716830.

09:48AM 24 **BY MR. MacKAY:**

09:48AM 25 Q. And this one, again, was the hot sheet that was run on

1 April 19th, 2013, correct?

2 A. Yes.

3 Q. Looks like in some places, in that same column the dates  
4 are about the same?

5 A. They're similar. So, that that means that so, for  
6 example, in the first line for the number ending 0664, for  
7 Michael Masecchia, there are 37 contacts between the number  
8 that was queried and Michael Masecchia's number from  
9 February 12th to March 11th.

10 But then when you see that date range change, it just  
11 means that the outside limits of when the contacts occurred  
12 are different for the different numbers.

13 Q. From what you can see in the date column here versus the  
14 date column in last document we looked at, it looks like the  
15 records are all in the approximately February to March  
16 timeframe of 2013, correct?

17 A. Yes.

18 Q. Okay.

19 **MR. MacKAY:** Okay. You can close that out,  
20 Ms. Champoux.

21 Can we go to -- can we jump down two more to  
22 Buttitta M rap sheet?

23 And just zoom out, thank you.

24 **BY MR. MacKAY:**

25 Q. Okay. This is another one of these what you said was a

09:49AM 1 triple I check?

09:49AM 2 A. Yes.

09:49AM 3 Q. Again, run by Mr. Bongiovanni, correct?

09:49AM 4 A. Yes.

09:49AM 5 Q. Run on April 19th, 2013, correct?

09:49AM 6 A. Yes.

09:49AM 7 Q. And it's being run for an individual named Michael

09:50AM 8 Buttitta, correct?

09:50AM 9 A. Yes.

09:50AM 10 Q. And again, this is the document that -- it's the return

09:50AM 11 of a query to tell whether somebody has a criminal history or

09:50AM 12 not, correct?

09:50AM 13 A. Yes.

09:50AM 14 Q. And do you recall Michael Buttitta is a name that shows

09:50AM 15 up in some of those subscriber and hot sheets that we've

09:50AM 16 already gone through, correct?

09:50AM 17 A. Yes.

09:50AM 18 Q. Okay. So, again, this represents, like, I think you said

09:50AM 19 before, the next step of looking into the specific

09:50AM 20 individuals who might be identified as subscribers in one of

09:50AM 21 these reports, correct?

09:50AM 22 A. Yes.

09:50AM 23 Q. Okay.

09:50AM 24 **MR. MacKAY:** You can close that out, Ms. Champoux.

09:50AM 25 Can we pull up handwritten notes? Can we zoom out a

09:50AM 1 little bit?

09:50AM 2 A little bit more so we can just capture it all.

09:50AM 3 **BY MR. MacKAY:**

09:50AM 4 Q. Okay. And do you recall this handwritten sheet of notes  
09:50AM 5 being in the file?

09:50AM 6 A. Yes.

09:50AM 7 Q. Okay. And in your investigation, did you understand this  
09:51AM 8 to be a document written by Joseph Bongiovanni?

09:51AM 9 A. I don't know who authored it.

09:51AM 10 Q. Okay. In your experience as a DEA agent, is it -- as a  
09:51AM 11 TFO with the DEA, is it fair to say sometimes you get  
09:51AM 12 information coming in from sources that you sit down and have  
09:51AM 13 an interview with?

09:51AM 14 A. Yes.

09:51AM 15 Q. Yeah. I mean, in common parlance, you sit down with  
09:51AM 16 somebody who's got information to give you, and you make  
09:51AM 17 notes of what they said, right?

09:51AM 18 A. Yes.

09:51AM 19 Q. And sometimes that's one of your confidential sources who  
09:51AM 20 comes in with information, correct?

09:51AM 21 A. Yes.

09:51AM 22 Q. Sometimes you get sort of unsolicited tips and things off  
09:51AM 23 the street?

09:51AM 24 A. You could.

09:51AM 25 Q. Sometimes you get sources of information who want to walk

09:51AM 1 in and tell you something, but don't want to really act as a  
09:51AM 2 confidential source, correct?

09:51AM 3 A. You could.

09:51AM 4 Q. Okay. At least from what you can see in using your own  
09:51AM 5 experience, does this appear to be memorialization of some  
09:52AM 6 sort of notes that, you know, an agent may have made  
09:52AM 7 regarding an interview or discussion with somebody?

09:52AM 8 A. I -- there's no way that I could say that, either way.

09:52AM 9 Q. Okay. But you see a couple names that you recognize from  
09:52AM 10 the Wayne Anderson investigation on here, correct?

09:52AM 11 A. I, yes.

09:52AM 12 Q. Who specifically do you see?

09:52AM 13 A. I see Ron Serio and Dave Oddo, those are the first two.

09:52AM 14 Q. Okay. You see Tom Serio as well, too?

09:52AM 15 A. I do.

09:52AM 16 Q. Do you see right next to it, you see what says Creme  
09:52AM 17 Beame?

09:52AM 18 A. Yes.

09:52AM 19 Q. Did you understand Tom Serio sometime in the 2012, 2013  
09:52AM 20 timeframe to drive a white BMW?

09:52AM 21 A. No.

09:52AM 22 Q. Okay. Did you see the phone number below that?

09:52AM 23 A. Yes.

09:52AM 24 Q. 578 phone number, did you understand that to be a cell  
09:52AM 25 phone number that associated with Tom Serio in your

1 investigation?

2 A. I have to go back and look at records.

3 **MR. MacKAY:** Yeah if we -- Ms. Champoux, I've just  
4 kind of marked a window up there, can we flip back to that  
5 document?

6 **BY MR. MacKAY:**

7 Q. Okay. And we're looking at the 716-578-5296 document?

8 A. Okay.

9 Q. So, do you understand that number that you saw in the  
10 hand-written notes to be Tom Serio's cell phone number?

11 A. Yes.

12 **MR. MacKAY:** All right. Can we take that down,  
13 Ms. Champoux? All right.

14 Can we go a few more down. Can we go to the Jeremie  
15 Jones misc pdf? Can we zoom out?

16 **BY MR. MacKAY:**

17 Q. Now, Jeremie Jones was a name that you knew came up in  
18 the Wayne Anderson file, correct?

19 A. I mean, I only know about it because its in the file.

20 Q. Would you recall reviewing the entire file and seeing a  
21 DEA-202 for Jeremie Jones?

22 A. In the Anderson file?

23 Q. Yes.

24 A. I don't recall that.

25 Q. Okay. Do you remember that there were two DEA-202 forms



09:54AM 1 for both Tom Serio and Ron Serio?

09:54AM 2 A. I do remember those.

09:54AM 3 Q. Those were the forms that put somebody in the file,

09:54AM 4 correct?

09:54AM 5 A. And then Wayne Anderson, I remember, Damian Abbate.

09:54AM 6 Q. And do you remember David Oddo?

09:54AM 7 A. Yes.

09:54AM 8 Q. Okay. And do you remember about the same date there's

09:54AM 9 also one for Jeremie Jones?

09:54AM 10 A. I, I don't recall Jeremie Jones, no.

09:54AM 11 Q. Okay.

09:54AM 12 **MR. MacKAY:** Ms. Champoux, can--

09:54AM 13 **BY MR. MacKAY:**

09:54AM 14 Q. Would it help to refresh your recollection to look at

09:54AM 15 something from the file?

09:54AM 16 A. Yes.

09:54AM 17 **MR. MacKAY:** Ms. Champoux, can we show Government

09:54AM 18 Exhibit -- well, it's in evidence, can we show Government

09:54AM 19 Exhibit 8A at page 59?

09:54AM 20 **BY MR. MacKAY:**

09:54AM 21 Q. Can you see that clearly on your screen?

09:54AM 22 A. I can.

09:54AM 23 Q. That's the, that's a 202 for Jeremie Jones, correct?

09:54AM 24 A. It is.

09:54AM 25 Q. It looks like it was prepared on January 2nd, 2013?

09:54AM 1 A. Yes.

09:54AM 2 Q. So, in your experience, the 202 is a document created by  
09:54AM 3 an agent to associate a name with a file, correct?

09:54AM 4 A. Yes. And then the next page should have some remarks  
09:55AM 5 that explain the association.

09:55AM 6 Q. Okay. Now, I want to jump back to that document that we  
09:55AM 7 were at. The Jeremie Jones misc pdf. What it looks like  
09:55AM 8 here, this looks like a mugshot, correct?

09:55AM 9 A. That looks like that, yes.

09:55AM 10 **MR. MacKAY:** And can we go to the next page,  
09:55AM 11 Ms. Champoux?

09:55AM 12 **BY MR. MacKAY:**

09:55AM 13 Q. And at the top, you see this looks like a -- the document  
09:55AM 14 that follows from page 2, that appears to be a booking sheet?

09:55AM 15 A. Yes.

09:55AM 16 Q. Okay. And it looks like this booking sheet from what you  
09:55AM 17 can see from the upper right-hand corner was run -- was the  
09:55AM 18 report was run on January 2nd, 2013, at about 9:33 in the  
09:55AM 19 morning?

09:55AM 20 A. Could we zoom on that?

09:55AM 21 Q. Yeah. I'll clear that.

09:55AM 22 A. That's better, yes, January 2nd, 2013.

09:55AM 23 Q. And then that report is run by Joseph Palmieri, correct?

09:55AM 24 A. Yes.

09:55AM 25 Q. And from what you just looked at in Government

1 Exhibit 8A, that's the same day Jeremie Jones is entered in  
2 the file, correct?

3 A. Yes.

4 **MR. MacKAY:** Can we go to page 7 of this document,  
5 please?

6 **BY MR. MacKAY:**

7 Q. Okay. Now, this is a NADDIS record being run for the  
8 same person, Jeremie Jones, correct?

9 A. Yes.

10 Q. Okay. And just so the jury understands, we've heard  
11 about NADDIS before. Can you just explain what they just saw  
12 with the booking report versus what a NADDIS report is?

13 A. The NADDIS records are DEA records. The booking report  
14 was a Buffalo PD record.

15 Q. So, the previous document we looked concerns some arrest  
16 Jeremie Jones had with the Buffalo Police, correct?

17 A. Yes.

18 Q. But what we're looking at now on page 7 is the internal  
19 DEA record for whether there's any prior investigations or  
20 cases open with Jeremie Jones, correct?

21 A. Yes.

22 Q. And if we look at the upper right-hand corner, this  
23 NADDIS report is being run by Shane Nastoff, correct?

24 A. Yes, that's what it says.

25 Q. And it's being run on December 30th, 2012?

09:57AM 1 A. Yes.

09:57AM 2 Q. Okay. So, you know, a couple days before you saw that,  
09:57AM 3 that 202 in Government Exhibit 8A, that enters him into the  
09:57AM 4 file, correct?

09:57AM 5 A. Yes.

09:57AM 6 Q. And you understood Shane Nastoff to be listed as the  
09:57AM 7 co-case agent on the Wayne Anderson file, correct?

09:57AM 8 A. I don't know that, I don't know that, no.

09:57AM 9 Q. Did you know Shane Nastoff, you know, to appear in the  
09:57AM 10 Wayne Anderson file on reports in some fashion?

09:57AM 11 A. Yes.

09:57AM 12 Q. Okay.

09:58AM 13 **MR. MacKAY:** Can we close that out, Ms. Champoux?  
09:58AM 14 Can we go to Masecchia M phone info?

09:58AM 15 **BY MR. MacKAY:**

09:58AM 16 Q. Again, so, first page of this is -- we're looking at is  
09:58AM 17 the subscriber information for, appears to be Michael  
09:58AM 18 Masecchia, correct?

09:58AM 19 A. Yes.

09:58AM 20 Q. And again, it's circled at the top, Bongo, correct?

09:58AM 21 A. Yes.

09:58AM 22 Q. So, this at least from what you can review from this  
09:58AM 23 document seen in front of you, that suggests that this  
09:58AM 24 document is first produced to an intel analyst and then  
09:58AM 25 there's some handwriting on it intending to be passed to

09:58AM 1 Mr. Bongiovanni?

09:58AM 2 A. Yes.

09:58AM 3 Q. Okay. Because in your, again, I think you told us before

09:58AM 4 but in your experience, it's not uncommon for the subpoena

09:58AM 5 returns to come back directly to the intel analyst, correct?

09:58AM 6 A. Yes.

09:58AM 7 Q. Because they can sort through that information and have

09:58AM 8 the programs to analyze it, correct?

09:58AM 9 A. Everybody had access to that program. But, not everybody  
09:58AM 10 did it the same way.

09:58AM 11 Q. Okay. Now, this is being run on --

09:59AM 12 **MR. MacKAY:** Can we go to the next page,

09:59AM 13 Ms. Champoux? Okay. Can we zoom in a little bit?

09:59AM 14 I'm sorry.

09:59AM 15 **BY MR. MacKAY:**

09:59AM 16 Q. Okay. So, what are we seeing in front of us right now?

09:59AM 17 A. Somebody, I'm trying to see if it says who, it's a print  
09:59AM 18 screen from DARTS.

09:59AM 19 Q. Okay. So, what exactly is it that we're looking at, what  
09:59AM 20 does that do? What does this screen do in terms of DEA  
09:59AM 21 activity?

09:59AM 22 A. I'm not sure I understand the question. What does the  
09:59AM 23 screen do?

09:59AM 24 Q. Yeah. So, I mean, we said it's a screen from DARTS, what  
09:59AM 25 we've seen already are DARTS emails, correct?

09:59AM

1 A. Yes.

09:59AM

2 Q. Those are the emails that get generated when there's an  
3 overlap, correct?

09:59AM

4 A. Yes.

09:59AM

5 Q. Is this fair to say this is sort of the other end when a  
6 number is getting put into DARTS?

10:00AM

10:00AM

7 A. This, I think, is the subpoena return, because it has the  
8 link for view packages in the view print. It means that the  
9 subpoena, this -- this C2 number here, C2-13-581484, is the  
10 subpoena number.

10:00AM

10:00AM

11 The service provider it was sent to, case number, who  
12 prepared it, that means that the tolls or whatever was  
13 subpoenaed is ready for download.

10:00AM

10:00AM

14 Q. Sure. I just I just want to walk through this, because  
15 it looks like a couple stages in a computer program that's  
16 being used. Because I think what you were referring to is  
17 this is the link you're talking about where it says view  
18 packages.

10:00AM

10:00AM

19 A. Yes.

10:00AM

10:00AM

20 Q. So, at the time in 2013, when agents or intel analysts  
21 are subpoenaing information from phone companies, they're not  
22 necessarily getting back physical paper records, correct?

10:00AM

10:00AM

23 A. No. This subpoena was sent electronically and returned  
24 electronically.

10:01AM

10:01AM

25 Q. Right. That's what I'm getting towards, is the way

10:01AM 1 that -- in this case, Sprint Nextel Corporation produces the  
10:01AM 2 records to DEA, is they send them some sort of electronic  
10:01AM 3 link, correct?  
10:01AM 4 A. Yes.  
10:01AM 5 Q. And the link, it appears from what we can see from this  
10:01AM 6 internet, internet explorer screenshot, it's sort of the link  
10:01AM 7 is opened directly in the DARTS program?  
10:01AM 8 A. Yes.  
10:01AM 9 Q. Okay. So, again, just -- I know we're going through some  
10:01AM 10 of the steps a little bit slowly, but the subpoena goes out  
10:01AM 11 the door, correct?  
10:01AM 12 A. Electronically in this case, yes.  
10:01AM 13 Q. So, you would send, if you identified a number, you would  
10:01AM 14 subpoena Sprint Nextel by first preparing one of the actual  
10:01AM 15 subpoena papers that we've seen before, correct?  
10:01AM 16 A. No.  
10:01AM 17 Q. Okay. Wait, so, I mean, you have to prepare the actual  
10:01AM 18 subpoena, correct?  
10:01AM 19 A. In this case, no.  
10:01AM 20 Q. Okay.  
10:01AM 21 A. It's all done electronically.  
10:01AM 22 Q. Well, so, I know previously and I think the jury has seen  
10:01AM 23 what look to be like subpoenas, correct?  
10:02AM 24 A. Okay. I guess when you said paper, it's -- it was  
10:02AM 25 different by service provider when I was there. So, there

1 was some service providers where you actually had to print a  
2 paper subpoena, and then submit it through some other means.

3 There's no paper subpoena, there might be a subpoena form  
4 generated, but there's no paper subpoena that's ever  
5 generated for Sprint at the time.

6 Q. Yeah, okay. That's what I'm getting at. Is with some of  
7 the subpoenas, what you've got to do is actually prepare a  
8 physical piece of paper, and then send it out to whoever  
9 you're subpoenaing, correct?

10 A. Yes.

11 Q. But when you're dealing with some of these phone  
12 companies, specifically Sprint Nextel, you go through the  
13 DARTS -- the intel analyst or the agent goes through the  
14 DARTS program and prepares some sort of form that goes out to  
15 Sprint Nextel?

16 A. We always go through DARTS.

17 Q. Yes.

18 A. I mean, whether you're sending a paper subpoena or an  
19 electronic subpoena, DARTS prepares it either way.

20 Q. Okay. So, that's sort of the portal to send it out to  
21 the company, correct? Is that a fair way of characterizing  
22 it?

23 A. That's one thing that it does.

24 Q. Okay. But yeah, so when you're dealing with subpoenas  
25 though, you're routing them all through this DARTS online



10:03AM 1 program, correct?

10:03AM 2 A. Yes.

10:03AM 3 Q. And then the return, for somebody like Sprint Nextel,

10:03AM 4 what you're saying is they send everything back through the

10:03AM 5 DARTS program through that same portal, correct?

10:03AM 6 A. That's correct.

10:03AM 7 Q. And then what the return -- the subpoena return recipient

10:03AM 8 gets is something that we're looking at in front of us,

10:03AM 9 correct?

10:03AM 10 A. Yes.

10:03AM 11 Q. This is basically a notification that says, hey, your

10:03AM 12 subpoena records are ready, click here, correct?

10:03AM 13 A. Yes.

10:03AM 14 Q. And then once this is, I presume, once you open this

10:03AM 15 package, that's how the numbers that are associated get

10:03AM 16 loaded into DARTS?

10:03AM 17 A. No.

10:03AM 18 Q. So, how do the numbers -- so, walk us through how when

10:03AM 19 you get a subpoena return back, how the actual numbers get

10:03AM 20 into DARTS.

10:03AM 21 A. So at this point, just what I'm looking at this, the only

10:03AM 22 number that you can know for sure that's in DARTS is the

10:04AM 23 phone number here, 716-812-0664. Because you have to put it

10:04AM 24 into DARTS first before DARTS will let you generate a

10:04AM 25 subpoena, that's happened or you wouldn't have a return.

1 Whatever numbers are on this return, the way I would have  
2 done it, is put them in, take the return, get the return  
3 loaded into PenLink so that I could actually see the numbers  
4 on the spreadsheet. And then you have to go from the PenLink  
5 spreadsheet back to the first page of DARTS, and put the  
6 numbers in and start the process all over again.

7 Q. Okay. So, again, so we're just catching all of the steps  
8 here, this 812-0664 number you understood that to be Michael  
9 Masecchia's phone number, correct?

10 A. Yes.

11 Q. Okay. And what you're saying is that in order to get a  
12 subpoena for that number, you've first got to put that number  
13 into DARTS, correct?

14 A. Yes.

15 Q. You've got to generate the subpoena and send it out  
16 through DARTS, correct?

17 A. Yes.

18 Q. And what you get back through DARTS is the subpoena  
19 return, correct?

20 A. Yes.

21 Q. And that may have a bunch of further numbers that are  
22 associated with Mike Masecchia's number, correct?

23 A. It's going to be his toll records and the subscriber  
24 information.

25 Q. Right. It's all, what you're gonna see is all the

1 numbers that he's called or is calling, correct?

2 A. Yes.

3 Q. And then what I think you jut told us is in order to put

4 those further numbers into DARTS, you then have to go through

5 a separate step of inputting each one of those, correct?

6 A. Yes.

7 Q. Unless you were going through and subpoenaing each one of

8 those numbers themselves, correct?

9 A. I mean, unless you had already subpoenaed it. Yes.

10 Q. Right. So like, again, I'll give you an example. You

11 get a random number back from this subpoena return. If you'd

12 never seen it before, it's not going to be in DARTS, correct?

13 A. If I -- it could be. DARTS is going to tell me if it's

14 in DARTS or not.

15 Q. Okay. And if it's not, if you're not going to separately

16 then subpoena that number, you'd have to manually input it

17 into DARTS, correct?

18 A. Yes.

19 Q. Right. So, I guess what I'm just trying to get at is

20 just because a number that goes out the door for a subpoena

21 and comes back with numbers on a return doesn't just

22 necessarily mean that all those numbers that are returned on

23 the subpoena return automatically go into DARTS; is that fair

24 to say?

25 A. They do not.

10:06AM 1 Q. Okay. Okay. Now on this one, the "prepared by" column  
10:06AM 2 is Justin Borst, correct?

10:06AM 3 A. Yes.

10:06AM 4 Q. He's one of the intel analysts at the DEA at the time,  
10:06AM 5 correct?

10:06AM 6 A. Yes.

10:06AM 7 Q. So, what you see from this is, does it appear by the way  
10:06AM 8 he's getting -- by the way he's listed as the prepared by,  
10:06AM 9 that indicates he prepared the subpoena to go out the door,  
10:06AM 10 correct?

10:06AM 11 A. Yes.

10:06AM 12 Q. And then, he would be the person who -- for whom the  
10:06AM 13 subpoena is returned, correct?

10:06AM 14 A. Yes.

10:06AM 15 Q. And that's what we're seeing here again, where he clicks  
10:06AM 16 on the package, and it says view package, and that's how you  
10:06AM 17 view the package, correct?

10:06AM 18 A. Yes.

10:06AM 19 Q. Okay. And then, we've gone through this with some of the  
10:07AM 20 prior reports, but what you said happens sometimes is that  
10:07AM 21 the analyst will then take the numbers that come in from the  
10:07AM 22 subpoena return, run it through this PenLink program, and you  
10:07AM 23 get the reports that we've already seen, correct?

10:07AM 24 A. Yes.

10:07AM 25 Q. And then those reports in your experience, the intel

10:07AM 1 analysts sometimes print out label by the case number and  
10:07AM 2 agent and then give it to the agent, correct?

10:07AM 3 A. Yes.

10:07AM 4 Q. Okay. I think we've got all steps of the process now.

10:07AM 5 **MR. MacKAY:** All right. Can we close this one out  
10:07AM 6 Ms. Champoux?

10:07AM 7 Can we jump down two more to Mettal docs?

10:07AM 8 **BY MR. MacKAY:**

10:07AM 9 Q. First page, again, looks like one of those subscriber  
10:07AM 10 returns, correct?

10:07AM 11 A. Yes.

10:07AM 12 Q. Again, it's labeled by what you know to be an intel  
10:07AM 13 analyst directing it to Mr. Bongiovanni, from what you can  
10:07AM 14 see, correct?

10:07AM 15 A. Yes.

10:07AM 16 Q. Return an address in Kew Garden Hills, correct?

10:07AM 17 A. No, New Gar -- no, it is Kew Garden Hills, yes.

10:08AM 18 Q. And do you understand that to be a municipality in  
10:08AM 19 downstate near New York City?

10:08AM 20 A. I don't know where it is.

10:08AM 21 Q. But it's got the 11367 zip code?

10:08AM 22 A. It does.

10:08AM 23 **MR. MacKAY:** Let's go to the next page, Ms. Champoux.

10:08AM 24 **BY MR. MacKAY:**

10:08AM 25 Q. Okay. Looking at the top here, this again, this is a hot

10:08AM 1 sheet, correct?

10:08AM 2 A. Yes.

10:08AM 3 Q. So, what we're looking at again, is one of these reports

10:08AM 4 that shows how many times certain numbers call or were called

10:08AM 5 by the target number, correct?

10:08AM 6 A. Yes.

10:08AM 7 Q. And again, it's organized by most to least, correct?

10:08AM 8 A. Yes.

10:08AM 9 Q. And we know that the number that's being targeted is that

10:08AM 10 516 number, correct?

10:08AM 11 A. Yes.

10:08AM 12 Q. And this is being run on August 26th of 2013, correct?

10:08AM 13 A. Yes.

10:08AM 14 Q. Okay. Now, do you recall in your review of the Wayne

10:08AM 15 Anderson file the Robert Mettal name coming up?

10:09AM 16 A. Yes.

10:09AM 17 Q. And do you remember that -- and do you recall that being

10:09AM 18 a name that the confidential source R.K. indicates he may be

10:09AM 19 able to contact about purchases of narcotics?

10:09AM 20 A. I would need to review that report to be certain.

10:09AM 21 Q. Okay. But he was a name that had come up in the file,

10:09AM 22 correct?

10:09AM 23 A. Yes.

10:09AM 24 Q. All right. So, do you recall what Mr. R.K.'s phone

10:09AM 25 number was offhand?

1 A. No.

2 **MR. MacKAY:** Okay. Ms. Champoux we can't do side by  
3 side with this document, can we?

4 **MS. CHAMPOUX:** No.

5 **MR. MacKAY:** Okay. Can we pull up Government Exhibit  
6 9E at page 5? Okay. Can we zoom in on block 20?

7 **BY MR. MacKAY:**

8 Q. And while we've got part of the screen blown up, do you  
9 understand this to be the CS establishment form for R.K.?

10 A. I'm looking for the name to make sure I'm looking at  
11 right one.

12 Q. Yeah.

13 **MR. MacKAY:** Ms. Champoux --

14 **THE CLERK:** I'm sorry, is this in evidence?

15 **MR. MacKAY:** Yes.

16 **THE CLERK:** Is it 9-E, as in Edward?

17 **MR. MacKAY:** Is it shown for the jury as well, too?

18 **THE CLERK:** It is now.

19 **THE WITNESS:** I see it, yes, it's for R.K.

20 **BY MR. MacKAY:**

21 Q. So -- so, this was the CS establishment form for R.K. We  
22 can un-minimize it. And going back to block 20, do you see  
23 the phone number that's associated with him?

24 A. I do.

25 Q. It's 716-935-0252?

1 A. Yes.

2 **MR. MacKAY:** Can we take this down, Ms. Champoux.

3 Can we go back to the Mettal document?

4 Can you control F, search for that same number,

5 935-0252. Okay.

6 It's not OCR, so let's do it this way. Can we scroll

7 down -- go down to the next page, Ms. Champoux, please? One

8 more page, please. One more page.

9 **BY MR. MacKAY:**

10 Q. Okay. Do you see where I'm indicating?

11 A. Yes.

12 Q. Do you see that's R.K.'s number there?

13 A. Yes. Row 95.

14 Q. Okay. And from what you can see from this report, it

15 looks like there are three telephone calls with Robert

16 Mettal, correct?

17 A. Yes.

18 Q. And we know that happens, from what you can see from the

19 report, sorry, not very accurate with these marks, we can see

20 that the date range in the report is May 17th, 2013 to

21 May 17th, 2013, correct?

22 A. Yes.

23 Q. So, it looks, again, interpreting what that third column

24 means, it looks like the only, so, when this -- this list was

25 run, the only information about R.K.'s phone number connected



1 to Mr. Mettal's phone number is limited to that one date on  
2 May 17th, correct?

3 A. Yes.

4 Q. It's all the records that were returned, correct? It's  
5 all the information -- it's all the information that's being  
6 returned about that phone number between that date, correct?

7 A. Available in that particular case on -- in PenLink on  
8 that day, yes.

9 Q. Right. So, so, again, what this line indicates is that  
10 there appear to be three calls between R.K. and Robert Mettal  
11 on May 17th, 2013, correct?

12 A. Yes.

13 Q. Okay. And in your experience with these lists, you can't  
14 tell if the calls were connected or not, correct?

15 A. Not from this list, you would need to look at the actual  
16 returned records.

17 Q. Okay. But at least this indicates that there's some  
18 attempted contact or contact between those two phone numbers  
19 on that specific date, correct?

20 A. Yes.

21 **MR. MacKAY:** You can take that down, Ms. Champoux.  
22 Can we go to two down, Moynihan M, phone info.

23 **BY MR. MacKAY:**

24 Q. Again, this is another one of those subscriber returns,  
25 and it's for the individual named Michael Moynihan, correct?

10:13AM 1 A. Yes.

10:13AM 2 Q. Again, it's associated with the Wayne Anderson file  
10:14AM 3 number, correct?

10:14AM 4 A. Yes.

10:14AM 5 Q. And like prior versions of this document we've seen, it's  
10:14AM 6 got Mr. Bongiovanni's name on the top of the subscriber  
10:14AM 7 information return and handwriting?

10:14AM 8 A. His nickname, yes.

10:14AM 9 Q. Yeah. And as you've said, you indicate this generally  
10:14AM 10 means to you that it's an intel analyst providing this  
10:14AM 11 document to Mr. Bongiovanni, correct?

10:14AM 12 A. Yes.

10:14AM 13 Q. Okay.

10:14AM 14 **MR. MacKAY:** Let's go to the next page.

10:14AM 15 **BY MR. MacKAY:**

10:14AM 16 Q. Again, we went through this before with Michael  
10:14AM 17 Masecchia, but this is one of these same things, it's a  
10:14AM 18 subpoena return package for the number for Michael Moynihan,  
10:14AM 19 correct?

10:14AM 20 A. Yes.

10:14AM 21 Q. Again, prepared by Justin Borst the intel analyst,  
10:14AM 22 correct?

10:14AM 23 A. Yes.

10:14AM 24 Q. And it looks like the prepared date was April 19th, 2013,  
10:14AM 25 correct?

10:14AM 1 A. Yes.

10:14AM 2 Q. Now, in your experience, when numbers are subpoenaed back  
10:15AM 3 around this point in time and they're done solely through  
10:15AM 4 this DARTS system and it's all electronic subpoena and  
10:15AM 5 return, approximately how long do you remember it took to  
10:15AM 6 actually get the return back?

10:15AM 7 A. So, my experience with it is later, just for  
10:15AM 8 clarification, but similar, it could be relatively quick.  
10:15AM 9 Sprint may be a day to a week on the long end. And that  
10:15AM 10 wouldn't happen very often.

10:15AM 11 Q. Okay. Okay. Can we go to the -- so, it looks like from  
10:15AM 12 what we can see here the prepared date is April 19th, 2013,  
10:15AM 13 correct?

10:15AM 14 A. Yes.

10:15AM 15 **MR. MacKAY:** Let's go to the next page.

10:15AM 16 **BY MR. MacKAY:**

10:15AM 17 Q. Okay. And then, again, we see one of these hot sheet  
10:15AM 18 produced again?

10:15AM 19 A. Yes.

10:15AM 20 Q. This one is April 24th, 2013, correct?

10:16AM 21 A. Yes, it is.

10:16AM 22 Q. So, based on what you saw on the prior page, it looks  
10:16AM 23 like subpoenas prepared on the 19th and then by the 24th,  
10:16AM 24 there's enough information back to run one of these hot  
10:16AM 25 sheets, correct?

10:16AM 1 A. Yes.

10:16AM 2 Q. And there what you can see based on the dialed name

10:16AM 3 column that a lot of those are no subscribers. Do you

10:16AM 4 understand that to be sort of as you explained, an early step

10:16AM 5 in an investigation with this number?

10:16AM 6 A. Yes.

10:16AM 7 Q. Because at this point, there's no subscribers identified

10:16AM 8 with any of the numbers that are calling or being called by

10:16AM 9 Mike Moynihan's phone, correct?

10:16AM 10 A. Well, there's -- I see at least one. You'd have to

10:16AM 11 scroll through the rest of the document to know how many, but

10:16AM 12 there aren't many.

10:16AM 13 Q. Okay. So, again, in your experience this is generally

10:16AM 14 early on in an investigation because from what you can see,

10:16AM 15 there's not a lot of information available yet for this

10:16AM 16 report, correct?

10:16AM 17 A. At least from this page, yes.

10:16AM 18 Q. Okay.

10:17AM 19 **MR. MacKAY:** Can we zoom out and scroll down a little

10:17AM 20 bit, Ms. Champoux? I want to catch a little more of the page.

10:17AM 21 Okay.

10:17AM 22 **BY MR. MacKAY:**

10:17AM 23 Q. I mean, like you said, you do see some names that are

10:17AM 24 already identified, correct?

10:17AM 25 A. I see two on this page.

1 Q. Do you actually see three?

2 A. Oh, I'm sorry, I was looking in the address column. Yes,  
3 I see three.

4 Q. So, Tom Serio and Chris Baker, correct?

5 A. Yes. And Robert Rine.

6 Q. Yeah. Now, Robert Rine, did you understand his name to  
7 have some significance around the time Ron Serio was  
8 arrested?

9 A. Some. That's not the thing that I remember the most  
10 about Robert Rine though, no.

11 Q. Okay. What do you remember about Robert Rine?

12 **MR. TRIPI:** Objection, hearsay. Any awareness would  
13 come through hearsay from a witness who has yet to testify in  
14 this trial.

15 **THE COURT:** No, I disagree with that, it could come  
16 from reviewing a file, it could come from a lot of different  
17 things.

18 **BY MR. MacKAY:**

19 Q. Yeah, I mean, if you know, what do you recall about  
20 Robert Rine?

21 **MR. TRIPI:** Judge, same objection. Unless he's going  
22 to ask him if you reviewed that name in the file, same  
23 objection. Then it's going to come from hearsay.

24 **THE COURT:** Overruled.

25 **THE WITNESS:** My awareness is from an interview of

another person.

**BY MR. MacKAY:**

Q. Was that Ron Serio?

A. Yes.

Q. Okay. So, we'll leave that at this point for now.

But back to this hot sheet. What it shows is that this Mike Moynihan individual appears to be in contact with Tom Serio and Chris Baker, correct?

A. Yes.

**MR. MacKAY:** Can we go to the next page of this Ms. Champoux?

**BY MR. MacKAY:**

Q. Again, the second page has a couple -- it's fair to say it's mostly no subscribers, but there looks like there's three names that are identified?

A. Yes.

Q. And that's Mark Falzone, Michael Buttitta, and it's Chris Baker again, correct?

A. Yes.

Q. And again, those are names that you recall seeing on Government Exhibit 100E-1, the handwritten note?

A. Yes.

**MR. MacKAY:** All right. Can we take this document down, Ms. Champoux?

Can we pull up Oddo NADDIS record?

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**BY MR. MacKAY:**

Q. Okay. Similar to the Jeremie Jones documents, it appears to be a mugshot of David Oddo?

A. Yes.

**MR. MacKAY:** Can we go to the next page, Ms. Champoux?

**BY MR. MacKAY:**

Q. Okay. Up at the top, if you can see it, do you see the date it was run?

A. July 2nd, 2012.

Q. It's being run by Shane Nastoff, correct?

A. Yes.

Q. Okay. And this is back then in the summer of 2012 before the Wayne Anderson file was opened, correct?

A. Yes.

Q. Okay.

**MR. MacKAY:** All right. Can we take that down, Ms. Champoux?

Actually, I'm sorry, can we leave that up one more time?

**BY MR. MacKAY:**

Q. Now, at the bottom of this page, do you see there's an associated case number?

A. Yes.

Q. And the file title appears to be Fred Weir?

10:20AM 1 A. Yes.

10:20AM 2 Q. Okay. Do you recall that name coming up in some of the  
10:20AM 3 hot sheets that we've looked at before?

10:20AM 4 A. I remember seeing it in the file, yes.

10:20AM 5 Q. Okay. And that indicates, we talked about NADDIS records  
10:20AM 6 a little bit, but what that entry indicates is the DEA had a  
10:20AM 7 file on Fred Weir at some point in time in the past before  
10:20AM 8 this report was run, correct?

10:20AM 9 A. Yes.

10:20AM 10 **MR. MacKAY:** All right. Can we take this down  
10:20AM 11 Ms. Champoux? Can we pull up two more down, its Robert Mettal  
10:21AM 12 misc. Zoom out, please.

10:21AM 13 **BY MR. MacKAY:**

10:21AM 14 Q. Similar to both Oddo and Jeremie Jones, this appears to  
10:21AM 15 be a mugshot of Robert Mettal, correct?

10:21AM 16 A. Yes.

10:21AM 17 Q. It looks like there's even a phone number associated with  
10:21AM 18 it, correct?

10:21AM 19 A. Yes.

10:21AM 20 Q. Okay. And you recall, you recall seeing that number in  
10:21AM 21 one of the Robert Mettal subpoena documents that we looked at  
10:21AM 22 before?

10:21AM 23 A. I remember a 516 number, yes.

10:21AM 24 **MR. MacKAY:** Okay. Go to the next page,  
10:21AM 25 Ms. Champoux, please?



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**BY MR. MacKAY:**

Q. Again, we did this with Jeremie Jones, but again, what we're looking at right now is a Buffalo Police Department booking sheet. So, that would indicate something associated with an arrest Robert Mettal had by Buffalo police?

A. Yes.

Q. Okay. And this report, if you look at the upper right-hand corner, appears to be run by Joseph Palmieri?

A. Yes. But could we zoom on that, please? Or just make the document larger? Thank you.

Yes. Joseph Palmieri.

Q. And the report dates May 6th, 2013, correct?

A. Yes.

Q. So, pulling booking data sheets, that's an investigative procedure DEA agents do from time to time, correct?

A. Background checks like this, yes.

Q. Yes. So, that's what I'm asking, this is part of a background check into a specific individual, correct?

A. Yes.

Q. And do you recall that some of the documents we've shown that identify Mr. Phone -- Mr. Mettal's phone activity, those were in 2013, correct?

A. Yes.

Q. Okay.

**MR. MacKAY:** All right. Can we take that down,

1 Ms. Champoux? Can we go to Serio real property recs?

2 Okay. Can we zoom out a little bit?

3 **BY MR. MacKAY:**

4 Q. Okay. And can you see at the bottom there's a date of  
5 May 22nd, 2013?

6 A. Yes.

7 Q. So, this is occurring kind of around the same time in May  
8 of 2013 from the document we just looked at, correct?

9 A. Yes.

10 Q. And this is, you know, again, we're all, fair to say that  
11 most of the documents that we've been looking at so far, they  
12 reflect activity occurring in March, April, and May of 2013?

13 A. Yes.

14 Q. Okay. And what does this appear to be to you?

15 A. It's from -- looks like it's from Google Maps.

16 Somebody's looking at something on an internet browser and  
17 printed part of page 2 or all of page 2 of a three-page  
18 document.

19 Q. Okay. Do you understand, do you understand from the file  
20 from your review of the Wayne Anderson file, any of these  
21 addresses to have any connection to Ron Serio?

22 A. I see 467 and 469 Tacoma.

23 Q. Okay. And do you recall from your review of the file the  
24 132 Rhode Island --

25 A. That was.

1 Q. -- address having some investigative activity associated  
2 with it?

3 **MR. TRIPI:** Objection.

4 **THE COURT:** What's the basis for that?

5 **MR. TRIPI:** 602, investigative activity in the file  
6 from this.

7 **THE COURT:** From this, no, he's not asking that, he's  
8 asking whether there was activity in the file shown with  
9 respect to this address. What's wrong with that?

10 **MR. TRIPI:** I'll withdraw it. Sorry.

11 **THE WITNESS:** The picture. But I'm unaware of  
12 anything else.

13 **BY MR. MacKAY:**

14 Q. Okay. And specifically on this document, we see 132  
15 Rhode Island circled and highlighted, correct?

16 A. It is.

17 Q. And it looks like somebody wrote in a date of  
18 October 12th, 2012, correct?

19 A. Yes.

20 Q. So, and that's a date prior to the Wayne Anderson file  
21 having been opened, correct?

22 A. Yes.

23 Q. So, I mean, just at least from what you can see here,  
24 that there's some focus on 132 Rhode Island, the address of  
25 132 Rhode Island before the Wayne Anderson file is ever even

1 opened?

2 **MR. TRIPI:** Objection.

3 **THE COURT:** Yeah, sustained to the form of the  
4 question.

5 **BY MR. MacKAY:**

6 Q. But in any event, the October date that's listed here,  
7 that's at least several weeks before Wayne Anderson, that  
8 file was opened, correct?

9 A. The date is, but --

10 Q. Yeah.

11 A. -- this couldn't have been written before May 22nd or  
12 3rd, or whatever it is, so I have no idea what it means.

13 Q. Right. So, I mean, the number, the date at the bottom,  
14 do you understand that to be a date that the report is run?

15 A. This is -- it's a -- it looks like a printout of a web  
16 browser like I said was done in May of 2013.

17 Q. Right. So, what you can see from the report. It looks  
18 like this is a page printed out where the report is run on  
19 May 22nd of 2013, correct?

20 A. Yes.

21 Q. And then somebody is circling the 132 Rhode Island Street  
22 and writing a date of 10/12/2012 there, correct?

23 A. Yes.

24 Q. Okay.

25 **MR. MacKAY:** And you can take that down,

1 Ms. Champoux. And can we pull up -- it's T.S. rap sheet. Or

2 S.T. rap sheet.

3 **BY MR. MacKAY:**

4 Q. Okay. Again, the T.S. name, that's a name you saw within  
5 the Wayne Anderson file, correct?

6 A. Yes.

7 Q. And you -- do you recall him having some association in  
8 some fashion with R.K., the confidential source?

9 A. Yes.

10 Q. Okay. Again, this is a triple I check record done by  
11 Mr. Bongiovanni on April 19 of 2013, correct?

12 A. Yes.

13 Q. And do you recall that April 19, 2013 date being the same  
14 date as one of the hot sheets that was run for Ron Serio's  
15 cell phone number?

16 A. Yes.

17 Q. So it appears at least from what you can see from the  
18 records that Tom Serio's number's appearing in a hot sheet  
19 for Ron Serio on the same date that Mr. Bongiovanni is  
20 running Mr. T.S.'s name to see if there's a -- any criminal  
21 history for Mr. T.S.?

22 A. I think you said Tom Serio's number and then --

23 Q. I might have misspoken.

24 A. -- Mr. T.S.'s name. Which one do you mean?

25 Q. Yeah, I'm sorry, I misspoke there.

1 From the records you've reviewed, you can see that on the  
2 same date T.S.'s name is showing up in a hot sheet for Ron  
3 Serio's number, Mr. Bongiovanni appears to be running a  
4 report to see if Mr. T.S. has any criminal history, correct?  
5 A. Yes.

6 **THE COURT:** Mr. MacKay, do you have a sense of how  
7 much longer you're going to be?

8 **MR. MacKAY:** 45 minutes.

9 **THE COURT:** Okay. So let's take a break, folks.

10 Remember my instructions about not talking about the  
11 case, even with each other, and not making up your minds.

12 See you back here in about ten or 15 minutes.

13 (Jury excused at 10:28 a.m.)

14 **THE COURT:** Okay. Anything for the record before we  
15 break, Mr. MacKay?

16 **MR. MacKAY:** No, Your Honor.

17 **THE COURT:** Mr. Tripi.

18 **MR. TRIPI:** No, thank you, Judge.

19 **THE COURT:** Okay, see you in a few minutes.

20 **THE CLERK:** All rise.

21 (Off the record at 10:29 a.m.)

22 (Back on the record at 10:48 a.m.)

23 (Jury not present.)

24 **THE CLERK:** All rise.

25 **THE COURT:** Please be seated.

1           **THE CLERK:** We are back on the record for the  
2 continuation of the jury trial in case number 19-cr-227,  
3 United States of America versus Joseph Bongiovanni.

4           All counsel and parties are present.

5           **THE COURT:** Ready to go?

6           **MR. MacKAY:** I am.

7           **THE COURT:** Anything?

8           **MR. TRIPI:** No.

9           **THE COURT:** Let's bring them in, please. Let's get  
10 the witness in, too.

11           **MR. MacKAY:** Judge, I think I'm well more than  
12 halfway done. I'm just having trouble estimating time.

13           **THE COURT:** No, no, no, look it, I understand.

14           (Witness and Jury seated at 10:50 a.m.)

15           **THE COURT:** The report will reflect that all our  
16 jurors, again, are present.

17           I remind the witness he's still under oath.

18           And, Mr. MacKay, you may continue.

19           **BY MR. MacKAY:**

20 Q. Agent Ryan, before I continue, I want to go back and  
21 clarify something we were talking about and make sure I'm  
22 clear on it.

23           **MR. MacKAY:** Ms. Champoux, can we go back to the  
24 Government Exhibit 100A.1, and can we pull up the C Baker toll  
25 analysis?

10:50AM

1

**BY MR. MacKAY:**

10:50AM

2

Q. Okay. We looked at this before. This was a subpoena

10:50AM

3

return you understood for Chris Baker, correct?

10:50AM

4

A. It's -- this is not the actual return, this is the

10:50AM

5

information loaded into PenLink, I think.

10:50AM

6

Q. Okay. And then the phone number, the 830-3226 number,

10:51AM

7

you understood that to be associated with Ron Serio?

10:51AM

8

A. I don't remember the phone number from the case. I can't

10:51AM

9

remember without looking at records.

10:51AM

10

Q. Okay.

10:51AM

11

A. If it's -- I mean, according to this, it's Chris Baker.

10:51AM

12

I need to look at something else to see if there's another

10:51AM

13

record that associates it's Ron Serio.

10:51AM

14

Q. Okay. But what I want to --

10:51AM

15

**MR. MacKAY:** Can we go to page 2 again. All right.

10:51AM

16

**BY MR. MacKAY:**

10:51AM

17

Q. So, I just want to focus in on something I think you told

10:51AM

18

us earlier. This was a hot sheet, and this is one of the

10:51AM

19

ones that has primarily no subscribers on it, correct?

10:51AM

20

A. Right, it's mostly no subscribers.

10:51AM

21

Q. Right. Meaning that there's no subscriber information

10:51AM

22

known for the phone numbers, correct?

10:51AM

23

A. For the ones that say no subscriber, that's correct.

10:51AM

24

Q. Right. And so what it means is if you've got an entry

10:51AM

25

like this, indicating line 7 where it says Tom Serio is, you



10:51AM 1 know, in the -- instead of no subscriber, that means -- am I  
10:52AM 2 understanding it to mean that Tom Serio's number is already  
10:52AM 3 in the DARTS system?

10:52AM 4 A. No. This is separate from DARTS.

10:52AM 5 Q. Okay.

10:52AM 6 A. So, DARTS deconflicts telephone numbers and generates  
10:52AM 7 subpoenas. Very generally, right.

10:52AM 8 Q. Yeah. Why would Tom Serio's name already be in one of  
10:52AM 9 these hot sheet lists rather than one with no subscriber?

10:52AM 10 A. Because there was a previous subpoena return for that  
10:52AM 11 phone, that 561 phone number, that's been you uploaded to  
10:52AM 12 this set of data in PenLink.

10:52AM 13 Q. Okay. So, if you see no subscriber in one of these  
10:52AM 14 reports, it means there's never been a subpoena to that  
10:52AM 15 number before?

10:52AM 16 A. No.

10:52AM 17 Q. What does it mean then? Or did you say no, as in there's  
10:52AM 18 never been a subpoena?

10:52AM 19 A. I'm saying it doesn't necessarily mean that, because  
10:52AM 20 you're talking about two different -- two different  
10:52AM 21 databases.

10:52AM 22 So PenLink is small, local. It only has what, you know,  
10:53AM 23 what you put in it.

10:53AM 24 If my recollection is correct, even the data within  
10:53AM 25 PenLink is separated by cases. So, I mean, so you were

1 asking about a phone number that says no subscriber, right?

2 Q. Right.

3 A. It could be identified -- I think I'm correct about this,  
4 it could be identified in 15 other cases in PenLink, but it's  
5 not identified in this one.

6 Q. Okay.

7 A. But if it's -- once it goes into DARTS, it's in DARTS.

8 Q. Okay. So in your experience, when an agent receives one  
9 of those hot lists and sees no subscriber, that's generally  
10 an indication that they're going to need to subpoena that  
11 number to get the information and to find out who the  
12 subscriber is?

13 A. Yes.

14 **MR. MacKAY:** So can we go to the next page of this  
15 document?

16 **BY MR. MacKAY:**

17 Q. All right. There up at the top, the 812-0664 number,  
18 that you recall to be Michael Masecchia's number?

19 A. I think that's correct.

20 Q. So in this column we see that it's no subscriber,  
21 correct?

22 A. Yes.

23 Q. So, that means to you that within the context of a  
24 PenLink, Michael Masecchia's name and number have never been  
25 associated there before? That's what I'm trying to

1 understand.

2 A. In this data set.

3 Q. Okay.

4 A. It's my recollection that PenLink is the data sets were

5 unique by case. So each time you started a case, you were

6 starting from scratch in PenLink to build a new data set.

7 Q. Okay. And then I think we did this before, but this hot

8 sheet's run on March 19, 2013, correct?

9 A. Yes.

10 Q. Okay.

11 **MR. MacKAY:** Ms. Champoux, can you pull up Government  
12 Exhibit 8A, page 348.

13 **BY MR. MacKAY:**

14 Q. Okay. And this appears to be a subpoena cover letter for  
15 a subpoena that's generated in connection with the Wayne  
16 Anderson case, correct?

17 A. It looks like it's from Sprint to Justin Borst in  
18 connection with the Wayne Anderson case.

19 Q. Okay. So it's the subpoena -- it's the return side of  
20 the subpoena, correct?

21 A. Yes.

22 Q. And that's coming back on March 20th, 2013?

23 A. Yes.

24 Q. Okay.

25 **MR. MacKAY:** And then can we go to the next page,

1 please, Ms. Champoux.

2 **BY MR. MacKAY:**

3 Q. And it looks like it's that same 812-0664 number,

4 correct?

5 A. Yes.

6 Q. So what this is telling you, at least looking at the

7 records, is that Justin Borst is getting back a subpoena

8 return regarding this number on -- or at least it was -- the

9 return was sent from Sprint on March 20th, 2013, correct?

10 A. Yes.

11 Q. And then what we just looked at over in the Government

12 Exhibit 100A.1 file, when the report had been run on

13 March 19th, 2013 there was no name associated with that

14 812-0664 number at that time, correct?

15 A. In the PenLink.

16 Q. In PenLink.

17 So at least from what you can see from the documents, it

18 looks like following the PenLink or around the same time, I'm

19 sorry, following the generation of a hot sheet, Justin Borst

20 sent out a subpoena for that 812-0664 number?

21 A. Yes.

22 Q. And you know it was Justin Borst because it indicates he

23 was the individual to receive the return, correct?

24 A. Yes.

25 Q. All right.

10:56AM 1 **MR. MacKAY:** You can take that down, Ms. Champoux.

10:56AM 2 Can we go to the Tripi OCDETF proposal in Government

10:56AM 3 Exhibit 100A.1.

10:56AM 4 **BY MR. MacKAY:**

10:56AM 5 Q. Okay. And you went through this document quite a bit on

10:57AM 6 direct; do you remember that?

10:57AM 7 A. I do.

10:57AM 8 Q. This is what you understand to be a draft OCDETF proposal

10:57AM 9 regarding Operation Past Due, correct?

10:57AM 10 A. Yes.

10:57AM 11 Q. Now, based on some of the names that are here, you see

10:57AM 12 Special Agent Dave Turri of the IRS, correct?

10:57AM 13 A. I do.

10:57AM 14 Q. TFA Chris Clark, he's with the DEA, correct?

10:57AM 15 A. Yes.

10:57AM 16 Q. And then Tim Lynch who is with the U.S. Attorney's

10:57AM 17 Office, correct?

10:57AM 18 A. Yes.

10:57AM 19 Q. Now, two of those three names, Dave Turri and Tim Lynch,

10:57AM 20 you understood from the review of the file to be associated

10:57AM 21 with the Wayne Anderson case, correct?

10:57AM 22 A. Yes.

10:57AM 23 **MR. MacKAY:** Can we scroll down to page 6.

10:57AM 24 **BY MR. MacKAY:**

10:57AM 25 Q. Now, in this box for Section 8, it looks like there's --

10:57AM 1 it's indicating in some fashion that intel analyst Steve

10:58AM 2 Bevilacqua is going to be involved in this operation?

10:58AM 3 A. It looks like he's identified as having sent information

10:58AM 4 to SOD already.

10:58AM 5 Q. What does that mean?

10:58AM 6 A. Well, it says communication devices previously submitted

10:58AM 7 to SOD. Yes. And then submitted by, and it says I.A.

10:58AM 8 Stephen Bevilacqua.

10:58AM 9 Q. Okay. So, is it fair to say from this part of the record

10:58AM 10 Stephen Bevilacqua is intended to have some interaction with

10:58AM 11 the OCDETF operations being drafted?

10:58AM 12 A. Or he had already done something in support of it, yes.

10:58AM 13 Q. Yeah. I guess that's what I'm asking. Him showing up

10:58AM 14 here shows he's done some work or might do some work if this

10:58AM 15 project gets off the ground, correct?

10:58AM 16 A. Well, I don't know if I agree with gets off the ground.

10:58AM 17 It's not really at that stage. Right, if this operation is

10:59AM 18 approved, there was a case that was already going.

10:59AM 19 Q. Okay. And it looks like this is being generated on or

10:59AM 20 about March 13th of 2013, from what you can see?

10:59AM 21 A. It looks like that's that he made the submission to SOD.

10:59AM 22 Q. Okay. And do you understand from your review of the

10:59AM 23 file, of your review of the Wayne Anderson file, that Stephen

10:59AM 24 Bevilacqua had performed some work in connection with the

10:59AM 25 Wayne Anderson file?

1 A. I think he had, yes.

2 Q. All right. And we've talked about the name Justin Borst,  
3 he's also an -- Stephen Bevilacqua is also an intel analyst  
4 at the time at the DEA, correct?

5 A. I think so. I wasn't there then, but I think he was  
6 there then.

7 **MR. MacKAY:** Okay. Can we go to page 8.

8 **BY MR. MacKAY:**

9 Q. We don't have to go through all of the information in  
10 here, but this is essentially the background of the facts of  
11 the case that would support why an operation is being  
12 proposed?

13 A. Yes.

14 Q. Targets were involved in debt collection, to your  
15 understanding, correct?

16 A. Yes.

17 Q. They're also involved in marijuana trafficking in some  
18 connection, correct?

19 A. Yes.

20 Q. And this arose at least from what you can see from the  
21 report here something regarding the Niagara Falls Police  
22 Department having some sort of confidential source regarding  
23 marijuana dealers in the Niagara Falls area?

24 A. Yes.

25 **MR. MacKAY:** Can we go to the next page,

Ms. Champoux.

**BY MR. MacKAY:**

Q. All right. There's also information that targets in this operation, proposed operation involving in cocaine trafficking, correct?

A. Can we zoom back in, please? Yes.

Q. As well as heroin trafficking?

A. Yes.

Q. As well as money laundering?

A. Yes.

Q. There's information that the CS with the Niagara Falls Police Department may also have information regarding the money-laundering activities?

A. Are you pointing to a particular sentence?

Q. I'll just withdraw the question. I'll ask it this way.

So it appears that the proposed operation involved a CS with a Niagara Falls Police Department, correct?

A. Yes.

Q. And that confidential source appeared to have some information about what was going up -- what was going on up in Niagara Falls, correct?

A. Yes.

Q. I think you told us on direct that this individual, Frank Tripi, you believed he had, based on law enforcement reputation, some connection to Italian Organized Crime,



11:02AM 1 correct?

11:02AM 2 A. Yes.

11:02AM 3 Q. That was possibly based on family connections?

11:02AM 4 A. Family connections, his past activity, it was just his

11:02AM 5 reputation.

11:02AM 6 Q. Okay. So I just want to review, the information that's

11:02AM 7 at least embodied in this report, is it fair to say there's

11:02AM 8 some of the same types of criminal activity being

11:02AM 9 investigated that the Ron Serio investigation with the Wayne

11:02AM 10 Anderson case focused on?

11:02AM 11 A. Are you saying the crossover with the types of drugs?

11:02AM 12 Q. Yes, for one.

11:02AM 13 A. I mean, the there's no mention of the counterfeit

11:02AM 14 oxycodone in here. There's mention of marijuana.

11:02AM 15 Q. Let me ask it this way. The Ron Serio investigation

11:02AM 16 that's being conducted back in 2013, that involved marijuana

11:02AM 17 to some degree, correct?

11:03AM 18 A. Yes.

11:03AM 19 Q. It involved at least the possibility of some cocaine

11:03AM 20 being investigated, correct?

11:03AM 21 A. Yes.

11:03AM 22 Q. And it involved money laundering as well, correct?

11:03AM 23 A. It did.

11:03AM 24 Q. And as we saw on the first page, some of the individuals

11:03AM 25 that are in this proposed operation are the same folks that

1 are also involved in the Wayne Anderson case as well, too,  
2 correct?

3 A. Talking about Tim Lynch and --

4 Q. Yes.

5 A. Yes.

6 Q. And then there's also potential -- do you recall that the  
7 Ron Serio investigation back in 2013, there was some thought  
8 about connections to organized crime?

9 A. I don't remember seeing that in that file.

10 **MR. MacKAY:** You can take that down, Ms. Champoux.

11 **BY MR. MacKAY:**

12 Q. All right. So just to finish up, on your direct, you had  
13 talked about you had been involved in a number of interviews  
14 with other DEA employees of the Buffalo office, right?

15 A. No, I said that I was not involved with the interviews of  
16 the DEA employees at the office.

17 Q. Okay. But I think you did tell us though that there were  
18 a number of DEA officials that were interviewed in some  
19 capacity, correct?

20 A. There were.

21 Q. Like, Joseph Palmieri, correct?

22 A. Yes.

23 Q. Mark Gentile?

24 A. I -- yes.

25 Q. Okay. Shane Nastoff, correct?

11:04AM 1 A. Yes.

11:04AM 2 Q. Mike Hill, correct?

11:04AM 3 A. I believe so, yes.

11:04AM 4 Q. Brian Chella, correct?

11:04AM 5 A. Yes.

11:04AM 6 Q. And I think you told us on direct there was a

11:04AM 7 characterization that some of these individuals were evasive

11:04AM 8 in their interviews?

11:04AM 9 A. So, I can only talk about the ones that I participated

11:04AM 10 in. I did talk to Mr. Palmieri. And I talked to Mr. Yensan.

11:04AM 11 I was part of those interviews.

11:04AM 12 Q. I left out the name, so, Mr. Yensan, he was at the time,

11:05AM 13 at one point in time a supervisor at the DEA, correct?

11:05AM 14 A. Yes.

11:05AM 15 Q. And, so from your testimony, you were saying that both

11:05AM 16 Yensan and Palmieri, in your opinion, presented as evasive,

11:05AM 17 correct?

11:05AM 18 A. Yes.

11:05AM 19 Q. And in response to that, those individuals were both sent

11:05AM 20 subject or target letters, correct?

11:05AM 21 A. Not solely in response to that, but ultimately that did

11:05AM 22 happen.

11:05AM 23 Q. Did you understand that at some point in time Greg Yensan

11:05AM 24 was moved out of a supervisor position at the DEA?

11:05AM 25 A. I do know that he moved out of his supervisory position,

11:05AM 1 yes.

11:05AM 2 Q. Okay. Now Shane Nastoff, he was an individual, I think  
11:05AM 3 you said you might not have participated in the interview,  
11:05AM 4 but you understand that he was interviewed in the context of  
11:05AM 5 this whole case, correct?

11:05AM 6 A. Yes.

11:05AM 7 Q. And ultimately did you come to understand that he was  
11:05AM 8 promoted to a group supervisor sometime following  
11:05AM 9 Mr. Bongiovanni's retirement from the DEA?

11:05AM 10 A. He was promoted, yes.

11:05AM 11 Q. Okay. And just so the jury understands, what is a target  
11:06AM 12 or subject letter?

11:06AM 13 A. It's a letter from the U.S. Attorney's Office to an  
11:06AM 14 individual advising them that they're the target of an  
11:06AM 15 investigation.

11:06AM 16 Q. All right.

11:06AM 17 **MR. MacKAY:** All right. Judge, can I just have one  
11:06AM 18 moment?

11:06AM 19 **THE COURT:** Sure.

11:06AM 20 **MR. MacKAY:** No further questions, Your Honor.

11:06AM 21 **THE COURT:** Redirect.

11:06AM 22 **MR. TRIPI:** Yes, Your Honor, thank you.

11:06AM 23

11:06AM 24 **REDIRECT EXAMINATION BY MR. TRIPI:**

11:06AM 25 Q. So just to finish off that last thought, was Palmieri

1 served a subject letter before he was ever interviewed?

2 A. I don't recall the sequence.

3 Q. You don't recall? That was served by Special Agent

4 Carpenter, correct?

5 A. Yes.

6 Q. And then just remind us, yesterday you said he sat for

7 several interviewed and then polygraphed, right?

8 A. Yes.

9 Q. And then after all that, a federal search warrant was

10 executed at his residence, correct?

11 A. Yes.

12 Q. All right. I'm going to start with what was covered

13 today, and then I'm going to go back to yesterday, all right?

14 All right. Right out of the gate, I just want to ask

15 you, you know, working as a DEA task force officer, do DEA

16 standards of conduct preclude agents and task force officers

17 from associating with known felons, drug dealers, and people

18 under investigation?

19 A. Yes.

20 **MR. TRIPI:** Let's pull up Exhibit 127.

21 **BY MR. TRIPI:**

22 Q. As of June 30th, 2018, was Peter Gerace a federally

23 convicted felon?

24 A. Yes.

25 Q. As of June 30th, 2018, was Peter Gerace a suspected drug

11:07AM 1 dealer?

11:07AM 2 A. Yes.

11:07AM 3 Q. As of June 30th, 2018, was Peter Gerace someone who law  
11:07AM 4 enforcement was -- had an investigative interest in?

11:07AM 5 A. Yes.

11:07AM 6 Q. So, all three of those things apply to Mr. Gerace who's  
11:08AM 7 standing next to this defendant, right?

11:08AM 8 A. They do.

11:08AM 9 Q. Okay.

11:08AM 10 **MR. TRIPI:** Let's take that down.

11:08AM 11 **BY MR. TRIPI:**

11:08AM 12 Q. Now, from your time working at DEA, as well as your time  
11:08AM 13 as a special agent for several agencies that are involved in  
11:08AM 14 investigations, is it the case agent's job to make sure all  
11:08AM 15 pertinent paperwork gets to the official file?

11:08AM 16 A. Yes.

11:08AM 17 Q. Okay. So here, all of those hot sheets and subpoena  
11:08AM 18 responses that Mr. MacKay showed you, were any of those in  
11:08AM 19 the official DEA paper file that DEA had access to when you  
11:08AM 20 got the file?

11:08AM 21 A. I saw the scan of the official file.

11:08AM 22 Q. Right.

11:08AM 23 A. None of those were in the scan, or not all of those were  
11:08AM 24 in the scan.

11:08AM 25 **MR. TRIPI:** Let's pull up 8A, Ms. Champoux.

11:08AM 1 **BY MR. TRIPI:**

11:09AM 2 Q. You've seen this file, right?

11:09AM 3 A. This is 1326, yes.

11:09AM 4 Q. Have you seen a hot sheet in this paper file?

11:09AM 5 A. No.

11:09AM 6 Q. Have you seen a hot sheet in the case management system

11:09AM 7 file for C2-13-0026?

11:09AM 8 A. No.

11:09AM 9 Q. Did you see a hot sheet for Tom Serio in this paper file?

11:09AM 10 A. No.

11:09AM 11 Q. Did you see a hot sheet for Chris Baker in this paper

11:09AM 12 file?

11:09AM 13 A. No.

11:09AM 14 Q. Did you see a hot sheet for Mike Moynihan in this paper

11:09AM 15 file?

11:09AM 16 A. No.

11:09AM 17 Q. Did you see any of the documents that Mr. MacKay showed

11:09AM 18 you regarding Mike Masecchia, the DARTS screen prints in this

11:09AM 19 file?

11:09AM 20 A. No.

11:09AM 21 Q. What file did you see those in?

11:09AM 22 A. The Redweld that we found in Mr. Bongiovanni's house.

11:09AM 23 Q. Is that the only place you saw those documents?

11:09AM 24 A. Yes.

11:09AM 25 Q. All those documents in the defendant's basement are DEA

1 property though, right?

2 A. They're DEA records, yes.

3 Q. Just because he's a case agent, it doesn't make them his,  
4 correct?

5 A. Correct.

6 Q. You've been involved in drug investigations for a long  
7 time; is that right?

8 A. Yes.

9 Q. In all of those cases, have you ever made a drug case  
10 resulting in any arrests based simply on subpoenas and  
11 subpoena returns?

12 A. No.

13 Q. Is issuing subpoenas and receiving subpoena returns the  
14 bare minimum an agent can do in an investigation?

15 **MR. MacKAY:** Objection.

16 **THE COURT:** Sustained.

17 **BY MR. TRIPI:**

18 Q. Would you feel like you were conducting a thorough  
19 investigation if all you did was subpoena records?

20 **MR. MacKAY:** Objection.

21 **THE COURT:** Sustained.

22 **BY MR. TRIPI:**

23 Q. Will a bunch of -- would a bunch of subpoena returns  
24 without further investigative action result in a drug arrest?

25 **MR. MacKAY:** Objection.



11:11AM 1 **MR. TRIPI:** Judge, this is within the scope of --

11:11AM 2 **THE COURT:** Wait, wait, wait. Stop, stop, stop. I  
11:11AM 3 want to think about it.

11:11AM 4 **MR. MacKAY:** I think it's speculation.

11:11AM 5 **MR. TRIPI:** It wasn't speculation on cross.

11:11AM 6 **THE COURT:** Let's -- let's -- let me think about  
11:11AM 7 this, please.

11:11AM 8 Overruled.

11:11AM 9 **THE WITNESS:** Could you ask the question again,  
11:11AM 10 please?

11:11AM 11 **MR. TRIPI:** Ms. Sawyer, would you please read the  
11:11AM 12 question.

11:11AM 13 (The above-requested question was then read by the  
11:11AM 14 reporter.)

11:11AM 15 **THE WITNESS:** No.

11:11AM 16 **BY MR. TRIPI:**

11:11AM 17 Q. In your review of Exhibit 8A, both the paper file and the  
11:11AM 18 case management file, did you see any -- any interviews of  
11:12AM 19 John Robinson?

11:12AM 20 A. No.

11:12AM 21 Q. Did you see any interviews of Mike Moynihan?

11:12AM 22 A. No.

11:12AM 23 Q. Did you see any interview of Chris Baker?

11:12AM 24 A. No.

11:12AM 25 Q. Did you see any interviews of Kelly Brace?

11:12AM 1 A. No.

11:12AM 2 Q. Did you see any interviews of anyone who you understood

11:12AM 3 to be a subordinate to Ron and Tom Serio in the Serio

11:12AM 4 organization?

11:12AM 5 A. No.

11:12AM 6 Q. Did you see any interviews of anybody, anybody in the

11:12AM 7 Serio drug-trafficking organization in the DEA-6s in the

11:12AM 8 file?

11:12AM 9 A. Not in the 6s, no.

11:12AM 10 Q. Well, that's where they would be documented, right?

11:12AM 11 A. The only -- I'm thinking of --

11:12AM 12 Q. I'm not asking you about the confidential source.

11:12AM 13 A. Understood.

11:12AM 14 Q. Put that aside. Any of the other players?

11:12AM 15 A. No.

11:12AM 16 Q. Did you observe one single surveillance by Special Agent

11:12AM 17 Dave Leary?

11:12AM 18 A. One.

11:13AM 19 Q. That was the only one, right?

11:13AM 20 A. Yes.

11:13AM 21 Q. Did you see any pen registers?

11:13AM 22 A. No.

11:13AM 23 Q. That's the next step, after getting all those subpoenas

11:13AM 24 is to advance to a pen register; is that right?

11:13AM 25 A. That's one way to do it, yes. It would be a more

11:13AM 1 advanced technique.

11:13AM 2 Q. Did you see any recorded calls?

11:13AM 3 A. No.

11:13AM 4 Q. Did you see any controlled buys?

11:13AM 5 A. Some attempts, but none completed.

11:13AM 6 Q. Did you see any actual controlled buys?

11:13AM 7 A. No.

11:13AM 8 Q. Did you see any trash pulls?

11:13AM 9 A. No.

11:13AM 10 Q. You saw an operation plan for a buy into T.S. that never

11:13AM 11 happened, correct?

11:13AM 12 A. That's what I'm thinking of, yes.

11:13AM 13 Q. And the case agent writes the operation plan; is that

11:13AM 14 right?

11:13AM 15 A. Yes.

11:13AM 16 Q. That doesn't mean there was ever a buy actually planned

11:13AM 17 though, does it?

11:13AM 18 A. There's no DEA-6 that documents an attempted buy.

11:13AM 19 Q. Okay. There was no pole cameras put up, putting a video

11:14AM 20 camera in front of Ron Serio's house on a telephone pole, was

11:14AM 21 there?

11:14AM 22 A. No.

11:14AM 23 Q. Or any other address associated with Ron Serio, was

11:14AM 24 there?

11:14AM 25 A. No.

1 Q. There were no arrests in the case, was there?

2 A. Not after the ones the state police did, no.

3 Q. Wayne Anderson and Damien Abbate were arrested, and then  
4 the DEA, this defendant adopted that case, right?

5 A. Yes.

6 Q. After that, nobody got arrested?

7 A. Correct.

8 Q. There were no federal or state prosecutions after that,  
9 correct?

10 A. Correct.

11 **MR. TRIPI:** Let's go to Exhibit 8A at page 13.

12 **BY MR. TRIPI:**

13 Q. Do you recognize this to be the DEA-6 prepared May 2nd,  
14 2013, the initial debriefing of R.K.?

15 A. Yes.

16 **MR. TRIPI:** And I'd like to scroll down to the next  
17 page, page 14, Ms. Champoux.

18 **BY MR. TRIPI:**

19 Q. Okay. Do you see under the financial-related  
20 information, do you see where it says DEA agents are  
21 coordinating the investigation with the AUSA WDNY New York  
22 State Attorney General, New York State Police, Buffalo FBI,  
23 IRS, and are working towards wire intercepts?

24 A. Yes.

25 Q. Other than issuing some subpoenas, do you see a single

1 investigative step that would satisfy an exhaustion  
2 requirement in a Title III wiretap application?

3 A. Only Dave Leary's surveillance.

4 Q. Okay. Other than Dave Leary's surveillance, not a single  
5 step would satisfy exhaustion, right?

6 A. No.

7 **MR. MacKAY:** Objection. That calls for a legal  
8 conclusion.

9 **MR. TRIPI:** It's not a legal conclusion, Your Honor.  
10 Agents know how to do wiretaps.

11 **THE COURT:** Mr. Tripi, please.

12 **MR. TRIPI:** I'm just briefly responding.

13 **THE COURT:** I understand. When there's an objection,  
14 let me think about it. If I need argument, I will ask for the  
15 argument. Okay?

16 **MR. TRIPI:** You got it.

17 **THE COURT:** Okay.

18 The objection is overruled.

19 **BY MR. TRIPI:**

20 Q. And even in a case where you are making an application  
21 for Title III, you need to do more than one surveillance; is  
22 that right?

23 A. Yes, you would have to do many hours of surveillance over  
24 many days.

25 Q. Did anything like that happen in this case file that's

1 been documented in any DEA-6s?

2 A. No.

3 Q. Earlier --

4 **MR. TRIPI:** We can take that down.

5 **BY MR. TRIPI:**

6 Q. -- you were shown Exhibit 101A.1, and Mr. MacKay showed  
7 you the Chris Baker rap sheet, and then he showed you the  
8 Baker toll analysis after that; do you remember that?

9 A. I do.

10 Q. And the rap sheet was actually run after the tolls were  
11 obtained. Do you remember those dates? The rap sheet was  
12 run in April, but the tolls were in March?

13 A. Yes.

14 Q. Did -- did the defendant document in any report anywhere  
15 how he got those phone numbers?

16 A. No.

17 Q. How he knew these phone numbers?

18 A. No.

19 Q. Normally, as an investigator who works drug cases, when  
20 you don't know someone's phone number, do you start with the  
21 record checks on the person first to try to locate or find a  
22 potential phone number?

23 A. Yes. Background checks, public record checks, something  
24 that might point to a phone number.

25 Q. You don't start with the phone number subpoena, right?

1 You've got to find that number.

2 A. It has to come to you somehow, yes.

3 Q. But here, you saw records showing that the subpoena

4 preceded the record check; is that right?

5 A. Yes.

6 Q. Same with Mike Buttitta that he showed you. The criminal

7 record checks started after the subpoena response came in,

8 true?

9 A. Yes.

10 Q. And the defendant didn't write how he knew those numbers

11 in the file, did he?

12 A. No.

13 Q. Now, you went through a bunch of documents this morning

14 with Mr. MacKay in Exhibit 100A.1, which is that file, we've

15 shown it plenty of times, 100A, right?

16 A. Yes.

17 Q. Based on DEA policy, procedure, and your training and

18 experience, was this defendant permitted to remove a single

19 one of those documents Mr. MacKay showed you and keep it in

20 his basement at retirement?

21 A. No.

22 **MR. TRIPI:** Can we pull up Exhibit 100A.1 and go to

23 the Masecchia hot sheet. Masecchia phone info and hot -- it

24 says, let me get the record correct, Masecchia M phone info

25 and hot sheet. Thank you.

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**BY MR. TRIPI:**

Q. You looked at this earlier, right?

A. Yes.

Q. And it's a six-page scan?

**MR. TRIPI:** Can we scroll down, Ms. Champoux. We're  
at page 2.

**BY MR. TRIPI:**

Q. I think earlier you indicated that this is, like, this is  
the DARTS for the subpoena related to Masecchia's number,  
right?

A. This is the screen in DARTS that shows that Sprint has  
returned records, and that they're available for download.

Q. Now I just want to be clear, Justin Borst is an intel  
analyst, right?

A. Yes.

Q. Intel analysts oftentimes run the subpoenas for case  
agents, correct?

A. Yes.

Q. But read the full Trinity remarks that Justin Borst wrote  
as associated to this phone number 812-0664. Read the whole  
thing.

A. Number part of ongoing narcotics investigation belonging  
to Michael Masecchia per S.A. Bongiovanni.

Q. Did the defendant write a single sentence in any report  
and file C2-13-0026 explaining how Michael Masecchia was



1 connected to the Ron Serio case or Wayne Anderson?

2 A. No.

3 Q. Now, the Trinity remarks, based upon DEA protocol and

4 procedure, are reflective of what the agent has indicated to

5 the analyst preparing the DARTS subpoena, correct?

6 A. Right.

7 Q. That's how we get those remarks?

8 A. Right.

9 Q. It does not say there number part of investigation

10 belonging to Mike Masecchia, who Special Agent Bongiovanni

11 went to high school with, right?

12 A. Correct.

13 Q. It does not say number part of an ongoing narcotics

14 investigation belonging to Mike Masecchia who Special Agent

15 Bongiovanni drove to college with, correct?

16 A. Correct.

17 Q. It doesn't say part of an ongoing narcotics investigation

18 belonging to Mike Masecchia who Bongiovanni has known for 40

19 years, correct?

20 A. Correct.

21 **MR. TRIPI:** We can take that down.

22 **BY MR. TRIPI:**

23 Q. That entry, though, that we saw is in DARTS, that means

24 Bongiovanni's going to get a notice any time that phone

25 number linked to Mike Masecchia comes up in DARTS; is that

11:22AM 1 right?

11:22AM 2 A. Yes.

11:22AM 3 Q. And that's the point of DARTS, the analysts get these

11:22AM 4 subpoenaed responses, and they push them into DARTS to

11:22AM 5 develop the robust deconfliction system that DEA has,

11:22AM 6 correct?

11:22AM 7 A. Correct. DARTS forces you to deconflict the number

11:22AM 8 before you do the subpoena.

11:22AM 9 Q. In other words, you've got to put it into DARTS to do the

11:22AM 10 subpoena?

11:22AM 11 A. Yes.

11:22AM 12 Q. So if we were to see a subpoena for Lou Selva in that

11:22AM 13 case file, which we've seen already, that means it went into

11:22AM 14 DARTS?

11:22AM 15 A. Yes.

11:22AM 16 Q. We see a subpoena for Paul Francoforte, that means his

11:22AM 17 number went into DARTS?

11:22AM 18 A. Yes.

11:22AM 19 Q. We see subpoenas for Mike Masecchia, Ron Serio, that

11:23AM 20 means their numbers went into DARTS, right?

11:23AM 21 A. Yes.

11:23AM 22 Q. That means he gets notice any time that number hits

11:23AM 23 anywhere in the world, correct?

11:23AM 24 A. Yes.

11:23AM 25 Q. Not just the United States, the world, where DEA has

1 offices, correct?

2 A. Yes.

3 Q. Oh. On that DEA DARTS report that we just had on the

4 screen for Masecchia, we don't have to pull it up again, but

5 it said for DEA official use only; do you remember that?

6 A. I do.

7 Q. Can a retired DEA agent conduct official business from

8 his basement?

9 A. No.

10 Q. Mr. MacKay showed you a hot sheet for 561 -- withdrawn.

11 I don't know if it's a hot sheet.

12 **MR. TRIPI:** Let's pull up 100A.1. 561-801-0221.

13 **THE COURT:** And this is from exhibit --

14 **MR. TRIPI:** From Exhibit 100A.1. It's near the top,  
15 I believe, Ms. Champoux.

16 There you go. You got it. Thank you.

17 For the record, this is 561-801-0221, Serio T toll  
18 analysis as in Exhibit 100A.1.

19 **THE COURT:** This is a folder in that exhibit.

20 **MR. TRIPI:** That is correct. Thank you, Your Honor.

21 **BY MR. TRIPI:**

22 Q. Now earlier you were talking about this document, and it  
23 was a hot number list. The number to the left, that shows  
24 the number of times that number was called during a certain  
25 time period, which is the date range to the far right,

11:24AM 1 correct?

11:24AM 2 A. Yes.

11:24AM 3 Q. And you went through sort of no subscriber with

11:24AM 4 Mr. MacKay, but one other -- one other way you could see a no

11:24AM 5 subscriber is sometimes they are prepaid phones where, like,

11:25AM 6 a TracFone, where there is no subscriber, correct?

11:25AM 7 A. Yes.

11:25AM 8 Q. That could be another explanation for a phone that has no

11:25AM 9 subscriber assigned to it?

11:25AM 10 A. I don't know if it would have a comment that says

11:25AM 11 TracFone or something in there or not.

11:25AM 12 Q. Okay. But just generally, I guess, the point of prepaid

11:25AM 13 phones sometimes in terms of drug dealers' utilization of

11:25AM 14 them is they don't have a subscriber associated with them.

11:25AM 15 A. Correct.

11:25AM 16 Q. All right. Okay. In here, the actual hot list, number

11:25AM 17 15 that's highlighted, had a phone number 716-481-8002 which

11:25AM 18 you know to be John Robinson, correct?

11:25AM 19 A. Yes.

11:25AM 20 Q. That's somebody you've interviewed, correct?

11:25AM 21 A. I called that phone number and found him.

11:25AM 22 Q. And you did that in, like, 2020?

11:25AM 23 A. Yes.

11:25AM 24 Q. And then you went and talked to him?

11:25AM 25 A. Yes.

11:25AM 1 Q. And that was the first time John Robinson was ever talked  
11:25AM 2 to with anything related to this --  
11:26AM 3 A. Yes.  
11:26AM 4 Q. -- correct? Was he a little surprised to see you at his  
11:26AM 5 house in Corning, New York?  
11:26AM 6 A. He was.  
11:26AM 7 Q. And this hot number list was done in 2012?  
11:26AM 8 A. November 30th, yes.  
11:26AM 9 Q. And yet nobody ever talked to John Robinson until you  
11:26AM 10 did; is that right?  
11:26AM 11 A. Yes.  
11:26AM 12 Q. And that was after you found this in the defendant's  
11:26AM 13 basement?  
11:26AM 14 A. Yes.  
11:26AM 15 Q. That was someone that worked for Ron and Tom Serio,  
11:26AM 16 correct?  
11:26AM 17 A. Yes, he did.  
11:26AM 18 Q. You were shown a bunch of local police reports that were  
11:27AM 19 in Government Exhibit 100A, several of those Buffalo police  
11:27AM 20 booking sheets. I think you saw one for Robert Mettal and a  
11:27AM 21 couple others that Mr. MacKay showed you a moment ago on  
11:27AM 22 cross; do you remember that?  
11:27AM 23 A. Yes.  
11:27AM 24 Q. For all of the ones that you've looked at in court here  
11:27AM 25 today and in the file, was it Joseph Palmieri who ran those

1 local police reports for the defendant?

2 A. Yes.

3 Q. So it seems from your review of the file and in court

4 here today that when this defendant wanted something done

5 locally in terms of running a police report, Joseph Palmieri

6 did it?

7 **MR. MacKAY:** Objection, speculation.

8 **MR. TRIPI:** I asked from his review of what was in

9 court and the file. It's consistent with the line of

10 questioning from before. I got you.

11 **THE COURT:** So the question --

12 **MR. TRIPI:** I can repeat it if you'd like, Judge.

13 **BY MR. TRIPI:**

14 Q. So Joe Palmieri, from the reports you reviewed in court

15 and in the file, seems to run all the local police reports

16 the defendant wants in this case.

17 **MR. TRIPI:** That's my question, Your Honor.

18 **THE COURT:** Did you object to that? Are you

19 objecting to that? He reworded the question. Do you object

20 to that question?

21 **MR. MacKAY:** No, I'll withdraw the objection.

22 **THE COURT:** Okay.

23 **BY MR. TRIPI:**

24 Q. And your answer is?

25 A. Yes, Joe Palmieri ran the local reports.

1 Q. And those generally were people associated with the Serio  
2 organization; is that right?

3 A. Yes.

4 Q. I'll get back to Operation Past Due in a moment, but --

5 **MR. TRIPI:** Can we take this down?

6 **BY MR. TRIPI:**

7 Q. -- yesterday, you talked about the January 6th, 2019  
8 interview, do you remember that?

9 Obviously, it was part of the cross-examination today,  
10 direct yesterday, cross yesterday.

11 A. June 6th?

12 Q. June 6th. Did I say January? I'm sorry. June 6th,  
13 2019. When you were sitting at the table, you had marked  
14 yesterday sort of where everyone was situated. I think you  
15 marked yourself as next to the defendant on the same side of  
16 the table; is that right?

17 A. I was, to his right.

18 Q. Did you sort of turn or orient your chair, were you and  
19 him actually facing each other, even though you were both on  
20 that side of the table?

21 A. Yes, I was turned towards him.

22 Q. You were asked some questions yesterday about not  
23 recording your interview with the defendant on your iPhone;  
24 do you recall those questions?

25 A. Yes.

11:30AM 1 Q. Was that a conscientious decision by you?

11:30AM 2 A. Yes.

11:30AM 3 Q. Can you please explain why, based on your training and  
11:30AM 4 experience, you chose to conduct the interview the way you  
11:30AM 5 did? Explain to the jury.

11:30AM 6 A. Specifically with the iPhone, if the phone rings, it  
11:30AM 7 interferes with the recording. When you're the case agent on  
11:30AM 8 search warrant day, you can expect your phone to ring, so  
11:30AM 9 it's not a good recording tool.

11:30AM 10 Then the other problem with a recording in that kind of  
11:30AM 11 environment in my experience is that the background noise  
11:30AM 12 tends to block out the conversation that you're trying to  
11:30AM 13 record. Not completely, but in large sections. And if you  
11:30AM 14 can imagine furniture is moving, people are walking around,  
11:30AM 15 boxes and other things are being moved around, there's a lot  
11:30AM 16 of background noise.

11:30AM 17 Q. Was the interview and the way you documented what the  
11:30AM 18 defendant said consistent with your training and experience  
11:31AM 19 as an Army CID investigator?

11:31AM 20 A. Yes.

11:31AM 21 Q. Was it consistent with your training and experience as an  
11:31AM 22 NCIS investigator?

11:31AM 23 A. Yes.

11:31AM 24 Q. Was it consistent with your training and experience as a  
11:31AM 25 Department of Defense investigator?



11:31AM 1 A. Yes.

11:31AM 2 Q. Was it consistent with your training and experience as a  
11:31AM 3 Department of Justice Office of Inspector General  
11:31AM 4 investigator?

11:31AM 5 A. Yes.

11:31AM 6 Q. Was it consistent with your training as a Homeland  
11:31AM 7 Security special agent?

11:31AM 8 A. Yes.

11:31AM 9 Q. Did you take your notes contemporaneous to the  
11:31AM 10 conversation you were having?

11:31AM 11 A. Yes.

11:31AM 12 Q. Are you able to do two things at once?

11:31AM 13 A. Yes.

11:31AM 14 Q. Can you talk to someone and also take some notes?

11:31AM 15 A. Yes.

11:31AM 16 Q. If you need to clarify something, do you go back and  
11:31AM 17 write more notes?

11:31AM 18 A. Yes. Or ask a clarifying question.

11:31AM 19 Q. And do you have a memory?

11:31AM 20 A. Yes.

11:31AM 21 Q. Were these things important to you during your  
11:31AM 22 investigation?

11:31AM 23 A. Yes.

11:31AM 24 Q. Were you intent upon remembering the things that happened  
11:31AM 25 that day?

1 A. Yes.

2 Q. Was the interview you conducted in the defendant's living  
3 room consistent with the policies and procedures of your  
4 agency?

5 A. Yes.

6 Q. You were asked about recording back at the police  
7 station. That was a different -- that wasn't the interview  
8 that was conducted that day, right?

9 A. Correct.

10 Q. You weren't arresting the defendant, right?

11 A. We did not.

12 Q. You were in his living room talking to him, weren't you?

13 A. In the dining room, yes.

14 Q. At that point in your investigation, you were just happy  
15 that he was talking to you, right?

16 A. Yes.

17 Q. Did you expect him to talk to you?

18 A. No.

19 Q. The manner which you conducted the interview, in your  
20 training and experience, is an interview of the sort that you  
21 conducted that day different from an interrogation?

22 A. Yes.

23 Q. Tell the jury, what's the difference between those two  
24 techniques.

25 A. An interview involves open-ended questions. Not much

1 talking by the person that's doing the interviewing other  
2 than open-ended questions and maybe a clarifying question.  
3 And then you allow the person that you're interviewing do  
4 most of the talking.

5 An interrogation is very different. In an interrogation,  
6 if I'm doing it, I'm doing almost all of the talking. And  
7 most of the questions are going to have short answers like  
8 yes or no.

9 Q. In an interrogation, are you confronting people with  
10 evidence you've acquired?

11 A. Yes.

12 Q. And you didn't do too much of that during your interview  
13 with the defendant other than showing him a couple pictures?

14 A. The two pictures.

15 Q. In your experience interviewing people, do individuals  
16 sometimes provide interviews -- withdrawn.

17 In your experience interviewing people, are you cognizant  
18 of the fact that sometimes the questions or the more  
19 specificity that's in your questions, it could -- it could  
20 provide details of your investigation?

21 A. Always.

22 Q. Is that part of the assessment you make when deciding how  
23 much detail to provide or confront somebody with during an  
24 interview?

25 A. How much detail to provide, or even which questions to

1 ask.

2 Q. And as of that date in June, you were still intent upon  
3 further investigating, right?

4 A. Yes.

5 Q. Mr. Bongiovanni didn't get arrested until the  
6 following -- until October of 2019; is that right?

7 A. October or November. Maybe the first week of November,  
8 yes, sir.

9 Q. Okay. So, this was just one part of the investigation;  
10 is that right?

11 A. Yes.

12 Q. But to sum it up, was it an interview that you did not  
13 want to at that point put all your cards on the table?

14 A. Yes.

15 Q. Because you were still investigating?

16 A. Yes.

17 Q. Were you still learning information?

18 A. Yes.

19 Q. For example, if you had had and had time to review every  
20 single document that the defendant was storing in his  
21 basement, would you have had a lot more questions to ask?

22 A. Many. Yes.

23 Q. You were asked yesterday about if you determined whether  
24 the defendant was confused, or if he seemed confused by any  
25 of your questions. Did the defendant seem confused by your

11:35AM 1 questions at any point?

11:35AM 2 A. Not at all.

11:35AM 3 Q. If the defendant had been confused about anything, would

11:35AM 4 you have made sure to clarify your question to make sure he

11:35AM 5 understood?

11:35AM 6 A. Yes.

11:35AM 7 Q. Do you recall needing to do that at all?

11:35AM 8 A. No.

11:35AM 9 Q. Did the defendant ever say to you, I'm confused by your

11:35AM 10 questions?

11:35AM 11 A. I don't remember that, no.

11:35AM 12 Q. As -- as you walked in the door that day to do your

11:36AM 13 interview, you had an awareness that the defendant was a

11:36AM 14 20-year veteran special agent similar to yourself, correct?

11:36AM 15 A. Yes.

11:36AM 16 Q. As you walked in there, do you believe the defendant had

11:36AM 17 similar training as it relates to interview and interrogation

11:36AM 18 tactics?

11:36AM 19 A. Yes.

11:36AM 20 Q. Was that also a consideration as to part of your approach

11:36AM 21 how to deal with him?

11:36AM 22 A. Yes.

11:36AM 23 Q. Is remembering important details and documenting them an

11:36AM 24 important part of your job training experience?

11:36AM 25 A. Yes.

11:36AM 1 Q. You were asked some questions on cross-examination about  
11:36AM 2 what the defendant meant when he said that he and Peter  
11:36AM 3 Gerace were not in a close relationship; do you remember  
11:36AM 4 that? I think yesterday, Mr. MacKay asked you, you didn't  
11:36AM 5 have him define "close relationship," right?  
11:36AM 6 A. I did not.  
11:36AM 7 Q. You remember those questions yesterday?  
11:37AM 8 A. I do.  
11:37AM 9 Q. Did you need an English dictionary to understand what the  
11:37AM 10 defendant meant when he said him and Peter Gerace were not in  
11:37AM 11 a close relationship?  
11:37AM 12 A. No.  
11:37AM 13 Q. You were asked questions yesterday about the defendant's  
11:37AM 14 statement to you wherein in your interview he claimed he  
11:37AM 15 could not remember whether Anthony was at the party in  
11:37AM 16 Toronto; do you remember being asked those questions  
11:37AM 17 yesterday?  
11:37AM 18 A. I do.  
11:37AM 19 Q. But the text messages that we looked at, Exhibit 310D, at  
11:37AM 20 least during that time period when he was texting with Peter  
11:37AM 21 Gerace, the defendant remembered Anthony Gerace being at the  
11:37AM 22 party in Toronto; is that right?  
11:37AM 23 A. That's how it appears, yes.  
11:37AM 24 Q. And we looked at those text messages yesterday, right?  
11:38AM 25 A. Yes.

1 Q. In 20 -- in or about 2019 when Kevin Myszka was  
2 interviewed --

3 **MR. TRIPI:** Let's pull up exhibit 126, Ms. Champoux.

4 **BY MR. TRIPI:**

5 Q. -- Kevin Myszka was interviewed about three years after  
6 the trip to Toronto; is that right?

7 A. Yes.

8 Q. And Kevin Myszka remembered Anthony Gerace --

9 **MR. MacKAY:** Objection. Calls for hearsay.

10 **MR. TRIPI:** I'm asking what he indicated he  
11 remembered.

12 **THE COURT:** No. Sustained.

13 **BY MR. TRIPI:**

14 Q. Did Kevin Myszka provide details in an interview that you  
15 were able to corroborate through a border crossing record?

16 A. Yes.

17 Q. Did that border crossing record establish that Anthony  
18 Gerace was in Toronto?

19 **MR. MacKAY:** Objection, calls for hearsay.

20 **MR. TRIPI:** Does not. It's a border crossing record  
21 that he reviewed.

22 **THE COURT:** Mr. Tripi, please.

23 Overruled.

24 **THE WITNESS:** It established that he was in Canada,  
25 yes.

2 | Q. I'm sorry, Toronto is in Canada.

4 Q. Now the defendant told you he knew you were conducting an  
5 Italian Organized Crime investigation; is that right?

7 Q. Now you never told the defendant when you guys worked  
8 together that you were conducting an IOC, Italian Organized  
9 Crime, investigation, correct?

11 Q. Did the defendant ever explain to you how he found out  
12 you were conducting an IOC investigation?

14	A. No.
----	--------

15 Q. Now on cross-examination, you were asked about the  
16 defendant's first explanation about why the file, the Ron  
17 Serio file, was in his house.

18           And he told you he knew that you were conducting an  
19   investigation into Italian Organized Crime, and that he took  
20   the Serio file home at retirement to, in his words, verify  
21   that he -- everything's on the up and up, or that he did a  
22   legitimate investigation, right?

24 Q. Does taking the file and removing it from DEA and putting  
25 it in his basement in any way help you verify that he did a



1 legitimate investigation?

2 A. No.

3 Q. Does it do the opposite of helping you verify that?

4 A. Yes.

5 Q. So as you sat in an interview, did you understand the  
6 defendant's explanation to be that he took the file out of  
7 DEA to a place that no one in the DEA or law enforcement  
8 would ever see it so that he could some day show law  
9 enforcement that he conducted an legitimate investigation?

10 **MR. MacKAY:** Objection.

11 **THE COURT:** Sustained.

12 **BY MR. TRIPI:**

13 Q. Did his explanation that he did give you make any sense  
14 to you?

15 A. No, that's why I asked him the other question, or asked  
16 him about it again.

17 **MR. TRIPI:** All right. Ms. Champoux, let's pull down  
18 Exhibit 126, and let's go to Exhibit 26E.

19 **BY MR. TRIPI:**

20 Q. This was shown to you yesterday as we get it up; do you  
21 remember this?

22 A. Yes.

23 Q. You began to explain yesterday, I think, during cross  
24 that this isn't an actual -- that the from email from  
25 Mr. Bongiovanni to Mr. Yensan is not the email from DARTS.

1 Can you describe that again for the jury?

2 A. Yes. So this email as it appears is a forwarded DARTS

3 email from Mr. Bongiovanni to Greg Yensan who was at the time

4 his supervisor.

5 Q. And do you notice other than sent from my iPhone, it's

6 forwarded to Greg Yensan without comment?

7 A. Yes.

8 Q. And it's forwarded on what date? The sent date on the

9 top.

10 A. I see it, August 21st, 2018.

11 Q. Is that about a month after the July 20th, 2018 proffer

12 that you and Special Agent Casullo and several others were in

13 with Ron Serio?

14 A. Yes.

15 Q. Is that about three weeks after Special Agent Casullo

16 reported Bongiovanni's race-related comments?

17 A. Yes.

18 **MR. TRIPI:** And, Ms. Champoux, if we can now go to

19 sort of the -- blow this up so he can see it maybe better.

20 **BY MR. TRIPI:**

21 Q. Now we're moving to the lower part of the document. In

22 the to line, I'm sorry, in the from line, the forwarding of

23 the DARTS email indicates that this is based upon an

24 investigative overlap created by you. What does that mean?

25 A. So if you look at the -- if we just use the first Trinity

11:43AM 1 item as an example, that means that I entered that phone  
11:43AM 2 number because I wanted to subpoena the tolls and the  
11:43AM 3 subscriber DARTS forces you to deconflict it first. And that  
11:43AM 4 deconfliction overlapped with the same phone number appearing  
11:43AM 5 in C2-13-0026 in the DARTS database.

11:43AM 6 Q. So now yesterday you were asked about this C2-16-0087  
11:43AM 7 file that was for you, and you said you thought was either  
11:43AM 8 Jarrett Guy or Joseph Bella; do you remember that?

11:43AM 9 A. Yes.

11:43AM 10 Q. Now you were asking Mr. Serio about Jarrett Guy in 2017,  
11:43AM 11 do you recall that in your professors with him?

11:43AM 12 A. Yes.

11:43AM 13 Q. Does that help you recall whether it was Joseph Bella or  
11:43AM 14 Jarrett Guy on that file, C2-16-0087?

11:43AM 15 A. I believe it was Joseph Bella.

11:43AM 16 Q. Okay. So your file that you had on Joseph Bella had an  
11:43AM 17 overlap with this number, came up in both your file and the  
11:44AM 18 Wayne Anderson case file; is that right?

11:44AM 19 A. Yes.

11:44AM 20 Q. And this is why the DARTS is getting generated?

11:44AM 21 A. Yes.

11:44AM 22 Q. And you wrote in the comments, what was -- withdrawn.  
11:44AM 23 What were the remarks?

11:44AM 24 A. My remarks?

11:44AM 25 Q. Did you write your own remarks?

1 A. Yes.

2 Q. Okay. What did you write?

3 A. Numbers associated with Ron Serio DTO.

4 Q. And if we look to Mr. Bongiovanni's case, what did Justin  
5 Borst write in the remarks?

6 A. Number part of ongoing narcotics investigation in contact  
7 with target number 716-830-3226 per S.A. Bongiovanni.

8 Q. Per S.A. Bongiovanni; what does that indicate?

9 A. If those -- he only knows those remarks because he  
10 received the information from Mr. Bongiovanni.

11 Q. So Bongiovanni told Borst?

12 A. Yes.

13 **MR. TRIPI:** Okay. Let's zoom out of that, and let's  
14 scroll down a little bit further. And let's stop there. And  
15 if can we zoom in on this one, please.

16 **BY MR. TRIPI:**

17 Q. We're at page 2 of the document, and we're looking at a  
18 Trinity item for 716-812-0664. We've looked at that number  
19 several times. Is that associated with Michael Masecchia?

20 A. Yes.

21 **MR. TRIPI:** Ms. Champoux, can we go to -- just let's  
22 verify it. Let's pull up Exhibit 8A at page 134 next to this.

23 **BY MR. TRIPI:**

24 Q. And so we see at the top subscription information,  
25 there's a different number being subpoenaed in 13-0026 at the

1 top, right?

2 A. Yes.

3 Q. But in the account details, the account information we

4 have 812-0664 associated with Masecchia; is that right?

5 A. Yes.

6 **MR. TRIPI:** Ms. Champoux, can we go up a prior page  
7 so I can check exhibit -- let's go to 133. And let's scroll  
8 back up a little bit higher on 26E. Stay there on 8A. Let's  
9 go up. All right.

10 Thank you for that. Okay. We can take down  
11 Exhibit 8A. Keep up 26E. So again, we can zoom in on this.

12 **BY MR. TRIPI:**

13 Q. What's the comment that you wrote in your DARTS  
14 deconfliction for that phone number August 21st, 2018?

15 A. Numbers associated with Ron Serio DTO.

16 Q. And we just looked back at Exhibit 8A. At the time, you  
17 had not reviewed Exhibit 8A, the actual Wayne Anderson file  
18 in August?

19 A. No, I had not.

20 Q. Okay. Now you know that there was -- that that number  
21 was associated with Mike Masecchia though, right?

22 A. Yes.

23 Q. And if we look at the entry for March 20th, 2013, what  
24 were the remarks that Justin Borst wrote into DARTS per  
25 Special Agent Bongiovanni for that Masecchia number?

1 A. Number part of ongoing narcotics investigation in contact  
2 with target number 716-830-3226.

3 Q. And what did he write, or what did Borst write again in  
4 another DARTS deconfliction on April 19th, 2013?

5 A. Number part of ongoing narcotics investigation belonging  
6 to Michael Masecchia per S.A. Bongiovanni.

7 Q. So, almost a year in August of 2018, about ten months or  
8 so before your June 2019 interview of Bongiovanni, he was  
9 getting DARTS deconflictions related to Ron Serio and Mike  
10 Masecchia through entries that you were putting into DARTS?

11 A. Yes.

12 Q. He never said during your interview when you asked him  
13 how he knew of your IOC investigation, he never said: I saw  
14 your DARTS entry, so I knew you were investigating Italian  
15 Organized Crime. Did he?

16 A. No.

17 Q. Is this an example of the defendant's deconflictions  
18 working to give him notice through DARTS?

19 A. Yes.

20 **MR. MacKAY:** Objection.

21 **THE COURT:** Sustained.

22 **MR. TRIPI:** Judge, can we approach on that?

23 **THE COURT:** Sure.

24 (Sidebar discussion held on the record.)

25 **MR. TRIPI:** The plain language of my question wasn't

1 argumentative or accusatory at all. I asked him: Is this  
2 DARTS working for the numbers Bongiovanni put in?

3 I don't understand what's object -- he might not like  
4 my tone of voice, but I don't understand what the plain  
5 language is that's objectionable. This is DARTS working as  
6 it's supposed to. I don't -- I just --

7 **THE COURT:** I don't think there was a question.

8 **MR. MacKAY:** Judge, the objection was it's  
9 argumentative because it's argumentative in going to the  
10 ultimate issue of whether DARTS is working in line with the  
11 theory they're setting up.

12 **THE COURT:** Yeah. So that's -- that's what I  
13 understood the question to be, as well. Is DARTS working the  
14 way the defendant intended DARTS to.

15 **MR. TRIPI:** That's not what I said.

16 **THE COURT:** Well --

17 **MR. TRIPI:** I'm going to re-ask. I'll take a shot at  
18 reasking.

19 (End of sidebar discussion.)

20 **THE COURT:** So the objection is sustained.

21 You can ask another question.

22 **BY MR. TRIPI:**

23 Q. In this instance, did DARTS work in the manner in which  
24 it was intended by design of the database to deconflict  
25 numbers associated with Mike Masecchia and Ron Serio?

11:50AM 1 A. Yes.

11:50AM 2 Q. Did the defendant, in August of 2018, get notice through  
11:50AM 3 DARTS by this entry?

11:50AM 4 A. Yes.

11:50AM 5 Q. So this is an example of DARTS working in the manner in  
11:51AM 6 which it's intended, to provide notice between two agents,  
11:51AM 7 correct?

11:51AM 8 A. Yes.

11:51AM 9 Q. Did the defendant ever come over to you, he still worked  
11:51AM 10 at the DEA in August, and say, hey, can I help you with  
11:51AM 11 Masecchia and Serio?

11:51AM 12 A. No.

11:51AM 13 **MR. TRIPI:** We can take that down, Ms. Champoux.

11:51AM 14 Can we pull up Government Exhibit 100A.1, and there's  
11:51AM 15 DARTS email for -- DARTS email 1-7-2019.

11:51AM 16 **BY MR. TRIPI:**

11:51AM 17 Q. Okay. Now we're back to Exhibit 100A.1. This is the  
11:51AM 18 file materials that were in the defendant's house, scanned,  
11:51AM 19 correct?

11:51AM 20 A. Yes.

11:51AM 21 Q. And this particular one is labeled DARTS email 01-07-2019  
11:52AM 22 scanned into that file, or this exhibit, correct?

11:52AM 23 A. Yes.

11:52AM 24 Q. Okay. So who is Shawn Hoerner?

11:52AM 25 A. He was an analyst at DEA.



1 Q. Just like Justin Borst and Steve Bevilacqua whose names  
2 we've seen?

3 A. Yes, same kind of position. Same position.

4 Q. Who received this DARTS email from Shawn Hoerner.

5 A. Anthony Casullo, Angelique Gunton, Nathan Schumaker,  
6 Shawn Hoerner's copied again, Amy Wiltse, myself, James  
7 McHugh, David Lamp, Joseph Bongiovanni.

8 Q. And let's scroll down a little bit. And we see that  
9 again it says an investigative overlap was created by, and  
10 this one has agent POC, does that mean point of contact?

11 A. Yes.

12 Q. And is that Anthony Casullo?

13 A. Yes.

14 **MR. TRIPI:** And can we scroll down a little bit.  
15 Just to Trinity item 1 there.

16 **BY MR. TRIPI:**

17 Q. On January 7th, 2019, that date was roughly three weeks  
18 before Mr. Bongiovanni retired; is that about right?

19 A. Yes.

20 Q. And for the Trinity item 1, the request ran by Special  
21 Agent Casullo, what were the remarks that Special Agent  
22 Casullo put into DARTS when he deconflicted that number?

23 A. Which date?

24 Q. Very first one.

25 A. Phone numbers in contact with Mike Sinatra related to

1 burglary and drug -- or related to a burglary and drug  
2 trafficking in Buffalo and Niagara County.

3 Q. And, so, everybody on that to line that we read earlier,  
4 including the defendant, would be able to see that remark?

5 A. Yes.

6 Q. Okay. And just by way of reminder, Michael Sinatra is  
7 one of the people who HSI executed a search warrant for on  
8 January 28th, 2019; is that right?

9 A. Yes.

10 **MR. TRIPI:** Okay. Let's scroll down. Let's go a  
11 little bit further down. Stop right there.

12 **BY MR. TRIPI:**

13 Q. Another one I want to look at is this 866-2687 number,  
14 we've seen that number earlier today. But does Casullo write  
15 the same remark essentially in relation to that number?

16 A. Yes. It appears that he entered a list of numbers, and  
17 then, you know, whether you enter one number or 15, you put  
18 the remarks in once, and then it gets associated with however  
19 many you entered.

20 Q. And this one is what triggers the email to Bongiovanni;  
21 is that a correct understanding of this record?

22 A. This one would trigger that email, yes.

23 Q. Can you circle for the jury why through the DARTS system  
24 Mr. Bongiovanni's notified?

25 Show them which -- which file creates the deconfliction

1 here.

2 A. So, the number that you marked was entered in DARTS with  
3 that case number at some point.

4 Q. And by that point in time, it had been entered into DARTS  
5 in March of 2013?

6 A. Yes.

7 Q. So, roughly a little less than six years earlier?

8 A. Yes.

9 Q. And what were the remarks that Justin Borst wrote into  
10 DARTS in the remarks section?

11 A. Number part of ongoing narcotics investigation in contact  
12 with target number 716-830-3226 per S.A. Bongiovanni.

13 **MR. TRIPI:** Okay. Now, Ms. Champoux, let's go and  
14 pull up Exhibit 109F. And could we go to the entry for  
15 Hot Dog?

16 **BY MR. TRIPI:**

17 Q. We looked at this yesterday, this is Mr. Bongiovanni's  
18 phone contacts from his personal phone that you acquired  
19 during the search, correct?

20 A. Yes.

21 Q. Is that the same phone number?

22 A. Yes.

23 **MR. TRIPI:** Ms. Champoux, please pull up Exhibit 393.

24 **BY MR. TRIPI:**

25 Q. Is this the photo with Hot Dog with his hand on

1 Todaro Sr.'s shoulder?

2 A. Yes.

3 **MR. TRIPI:** Let's go to Exhibit 8A at 347.

4 **BY MR. TRIPI:**

5 Q. Is this the administrative subpoena to AT&T in file  
6 C2-13-0026 that resulted in that phone number going into  
7 DARTS?

8 A. I think this is the return for that subpoena, but yes,  
9 that's all connected.

10 Q. Same phone number, same person?

11 A. Yes.

12 Q. And you had indicated yesterday, I think, that you had  
13 reviewed a border crossing where the defendant and Hot Dog or  
14 Paul Francoforte had crossed into Canada together?

15 A. Returning from Canada.

16 Q. Oh, my fault. Okay.

17 You were asked yesterday about phone records and if you  
18 looked at some phone records for Mr. Bongiovanni; do you  
19 remember that?

20 A. Yes.

21 **MR. TRIPI:** Ms. Champoux, let's pull up Exhibit 358  
22 which is in evidence.

23 Let's scroll down just a little bit.

24 **BY MR. TRIPI:**

25 Q. Do you understand this to be the bills related to

1 Mr. Bongiovanni's DEA cell phone beginning back in 2013?

2 A. Yes.

3 **MR. TRIPI:** Let's scroll down a little bit.

4 Ms. Champoux, we're going to stay in this year 2013, and let's  
5 go to page number 10. And go to December 2nd at 8:07 p.m.

6 **BY MR. TRIPI:**

7 Q. Do you see a call, a ten-minute call between the  
8 defendant and Hot Dog on December 2nd, 2013?

9 A. Yes, it's an incoming call.

10 Q. And is that about -- is that while the Wayne Anderson  
11 file was open, C2-13-0026?

12 A. It was still open.

13 Q. In your narcotics investigations, do you call subjects or  
14 targets of your investigation that you put into DARTS?

15 **MR. MacKAY:** Objection.

16 **THE COURT:** Sustained.

17 **MR. TRIPI:** Let's go to -- I'd like to move into  
18 February of 2014 on this record. Let's move down to page 42.  
19 And go to the top for a moment. Can you go up another page.

20 **BY MR. TRIPI:**

21 Q. The way these bills are printed, you basically have to  
22 scroll through the whole year to see the date in the first,  
23 right?

24 A. Yes.

25 Q. As we get to page 42 here, have we gone through a couple

12:00PM 1 years already?

12:00PM 2 A. Yes.

12:00PM 3 Q. So we're gonna go to an entry February 21st, 2014 at

12:01PM 4 12:29 p.m. Do you see another call between the defendant and

12:01PM 5 Paul Francoforte on the record?

12:01PM 6 A. Yes. There's an outgoing call for one minute, and then

12:01PM 7 an oncoming call for 11 minutes.

12:01PM 8 Q. Right below it, correct?

12:01PM 9 A. Yes.

12:01PM 10 Q. Let's stay in that same year, and let's go to page 48.

12:01PM 11 And we're going to go to March 6th at 12:47 p.m. Do you see

12:01PM 12 another call between the defendant and Paul Francoforte?

12:01PM 13 A. Yes, incoming call for 11 minutes.

12:02PM 14 Q. By incoming call, you mean Francoforte's calling the

12:02PM 15 defendant?

12:02PM 16 A. Yes.

12:02PM 17 Q. Let's stay in that same year, let's go to page number 50.

12:02PM 18 And March 11th at 3:28 p.m. Do you see another call from

12:02PM 19 Francoforte to the defendant on that day?

12:02PM 20 A. Yes.

12:02PM 21 Q. For how long?

12:02PM 22 A. Six minutes.

12:02PM 23 Q. We'll stay in that same year, let's go to page 52. And

12:02PM 24 I'm looking for March 19th at 8:28 p.m. do you see another

12:02PM 25 call from Francoforte there?

12:02PM 1 A. Yes.

12:02PM 2 Q. For how long?

12:02PM 3 A. Five minutes.

12:02PM 4 Q. For all these calls, the Wayne Anderson file/Ron Serio

12:03PM 5 file is still open, and the DEA -- the defendant has that

12:03PM 6 file open still, correct?

12:03PM 7 A. Yes.

12:03PM 8 Q. Okay. Let's go to that same year, let's go to page 77.

12:03PM 9 May 21, 2014 at 7:10 p.m. 5/21. And do we see another

12:03PM 10 incoming call from Hot Dog to the defendant?

12:03PM 11 A. Yes.

12:03PM 12 Q. How long is that one?

12:03PM 13 A. Two minutes.

12:03PM 14 Q. Let's go to May 23rd, 2014 at 4:06 p.m., that should be

12:03PM 15 page 77 as well. Do we see another incoming call from

12:03PM 16 Hot Dog to the defendant on that day?

12:03PM 17 A. Yes, for 13 minutes.

12:03PM 18 Q. And again, file C2-13-0026 is still open, correct?

12:03PM 19 A. Yes.

12:03PM 20 Q. Let's go to page 85, June 17th, 2014, at 4:38 p.m. Is

12:04PM 21 that another call from Hot Dog to the defendant on that day?

12:04PM 22 A. Yes.

12:04PM 23 Q. And that one's approximately one minute?

12:04PM 24 A. Yes.

12:04PM 25 Q. And do we have another one at 4:50?

12:04PM 1 A. Yes, for one minute.

12:04PM 2 Q. Let's go to page 87, June 21st, 2014 at 3:15 p.m. Is

12:04PM 3 this another incoming call from Hot Dog to the defendant?

12:04PM 4 A. Yes, for six minutes.

12:04PM 5 Q. Is file C2-13-0026 still open?

12:04PM 6 A. Yes.

12:04PM 7 Q. Let's go to page number 90. June 25th, 2014, at -- I'm

12:05PM 8 sorry, 3:33 p.m. Is that another incoming call from Hot Dog

12:05PM 9 to the defendant?

12:05PM 10 A. Yes, for three minutes.

12:05PM 11 Q. Let's go to page 91. I'm looking for June 27th at

12:05PM 12 9:45 a.m.

12:05PM 13 A. I see it.

12:05PM 14 Q. Is that another call from Hot Dog to the defendant?

12:05PM 15 A. Yes, for ten minutes.

12:05PM 16 Q. And let's go to August 18th, 2014, that should be

12:05PM 17 page 111, at 12 p.m. Do you see that call?

12:05PM 18 A. I do.

12:05PM 19 Q. And was that about a one minute outgoing call from the

12:05PM 20 defendant?

12:05PM 21 A. Yes.

12:06PM 22 Q. Let's go to August 24th, 2014, 4:25 p.m., that should be

12:06PM 23 at page 115.

12:06PM 24 **MR. MacKAY:** Judge, I'm going to object at some point

12:06PM 25 to cumulativeness under 403.



12:06PM 1 **THE COURT:** I've been waiting for that.

12:06PM 2 Mr. Tripi, how long are we going to do this?

12:06PM 3 **MR. TRIPI:** Can we step up to let you know.

12:06PM 4 **THE COURT:** Come on up.

12:06PM 5 (Sidebar discussion held on the record.)

12:06PM 6 **MR. TRIPI:** They're all different calls, so each one

12:06PM 7 is not cumulative. They're all through the -- I'm not even

12:06PM 8 through the time he's got the file open yet. Not even through

12:06PM 9 2015 yet, Judge. And so this is important evidence. He's

12:06PM 10 subpoenaing a number of a person who we just saw the photo

12:06PM 11 and --

12:06PM 12 **THE COURT:** At some point -- at some point --

12:06PM 13 **MR. TRIPI:** There's 50 calls, I'm through 17 of them.

12:06PM 14 **THE COURT:** You're going to go through all 50.

12:07PM 15 **MR. TRIPI:** I think I'm moving quickly through them.

12:07PM 16 **THE COURT:** Mr. Tripi, if you think this is

12:07PM 17 effective, you go right ahead.

12:07PM 18 **MR. TRIPI:** I do, Judge.

12:07PM 19 **THE COURT:** You go right ahead.

12:07PM 20 **MR. TRIPI:** Thank you.

12:07PM 21 (End of sidebar discussion.)

12:07PM 22 **THE COURT:** Okay. We're going to keep going.

12:07PM 23 **MR. TRIPI:** Okay. September 22nd, 2014 at 7:51 p.m.

12:07PM 24 Let's go to page 124. I think 7:51 p.m. 9/22. Yeah.

12:07PM 25 **BY MR. TRIPI:**

12:07PM 1 Q. Is that another call from Hot Dog to the defendant?

12:07PM 2 A. Yes.

12:07PM 3 Q. For how long?

12:07PM 4 A. Two minutes.

12:07PM 5 Q. And let's go to page 127. And here September 24th, 2014,

12:07PM 6 I'm looking for 6:05 p.m. Is that another call from Hot Dog

12:07PM 7 to the defendant?

12:07PM 8 A. Yes.

12:07PM 9 Q. That one's for one minute?

12:08PM 10 A. Yes.

12:08PM 11 Q. Let's go to September 27th, 2014. This should be page

12:08PM 12 127. By this date, is the Wayne Anderson file, the file that

12:08PM 13 Mr. Bongiovanni subpoenaed Francoforte's number, still open?

12:08PM 14 A. Yes.

12:08PM 15 Q. And how long is this call on September 27th?

12:08PM 16 A. It's an outgoing call for three minutes.

12:08PM 17 Q. So the defendant called Hot Dog?

12:08PM 18 A. Yes.

12:08PM 19 Q. Let's go to page 165, this should be January 7th, 2015.

12:08PM 20 At 9:51 p.m.

12:08PM 21 **MR. TRIPI:** January 7th, 2015, second one from the

12:09PM 22 top, Karen. Thank you.

12:09PM 23 **BY MR. TRIPI:**

12:09PM 24 Q. And is this a call from the defendant to Hot Dog?

12:09PM 25 A. Yes, for six minutes.

1 Q. And the Wayne Anderson file was still open, that was  
2 closed January 28th, 2015; is that right?

3 A. Yes.

4 Q. Do they continue to talk after that? Let's look at  
5 page 186, March 17th, 2015 at 1:29 p.m. Is that an outgoing  
6 call from the defendant to Hot Dog for eight minutes?

7 A. Yes.

8 Q. Let's go to March 25th, 2015, at page 198. I'm looking  
9 for April 25th at 6:23 p.m. Does the defendant call Hot Dog  
10 again?

11 A. Yes.

12 Q. For how long?

13 A. Two minutes.

14 Q. Let's go to April 26th, at 2:25 p.m. Does the defendant  
15 call Hot Dog again?

16 A. Yes.

17 **MR. TRIPI:** Ms. Champoux, let's just search now that  
18 number, 716-866-2687, can we do that? How many -- may the  
19 record reflect the search indicated there are 50 entries.

20 And, Ms. Champoux, can you just keep clicking through  
21 them and we'll go through it that way.

22 May the record reflect we've clicked through 50 of  
23 them.

24 **BY MR. TRIPI:**

25 Q. Is it your understanding that the last entry, let's go to

1 page 558 in the bills here, so we're in 19013167 bills pdf of  
2 Exhibit 358.

3 Is it your understanding the last entry is May 9th, 2018,  
4 at 2:26 p.m.

5 A. That appears to be, yes.

6 Q. For this portion of the records?

7 A. Yes.

8 Q. And is that an eight-minute call?

9 A. It's an eight-minute incoming phone call.

10 Q. Okay. So we've covered from 2013 to 2018. And just to  
11 summarize, there was communication through all of those  
12 years?

13 A. Yes.

14 **MR. TRIPI:** And, Ms. Champoux, if we close out of  
15 that, and briefly open the Volte spreadsheet.

16 **BY MR. TRIPI:**

17 Q. We're opening an Excel spreadsheet now, 190131677,  
18 V-O-L-T-E.

19 Special Agent Ryan is it your understanding that when  
20 records are of a certain age, only bills like we looked at in  
21 those pdfs are available, but closer in time to the subpoena,  
22 sometimes call detail records become available?

23 A. Yes.

24 Q. And is that a what a Volte spreadsheet is?

25 A. For Verizon, yes.

Q. For Verizon. Thank you.

**MR. TRIPI:** I just want to look at one here.

Ms. Champoux, can we go to January 28th, 2019. Can you expand

some of these columns first, expand B and C so they can see.

Can you expand B. All right. Thank you.

Now go down to January 28th, 2019, please. We're  
past it.

**BY MR. TRIPI:**

Q. Okay. Do you see an incoming call from Hot Dog to

Mr. Bongiovanni's DEA phone that day?

A. I'm trying to figure out the direction.

Q. Do you need to see the top?

**MR. TRIPI:** Go back up to the top, Ms. Champoux, so  
he can see what E and F are. Scroll all the way to the top.

**THE WITNESS:** Okay. So, E is the call number column,  
thank you.

**MR. TRIPI:** Now go back down, Ms. Champoux, to  
January 28th, 2019. It should be 1407 GMT.

**THE COURT:** Folks, we're going to take our second  
break now.

Please remember my instructions about not talking  
about the case and not making up your mind. We'll see you  
back here in about ten or 15 minutes.

(Jury excused at 12:16 p.m.)

**THE COURT:** Anything before we break from the

12:16PM 1 defense?

12:16PM 2 **MR. MacKAY:** No, Your Honor.

12:16PM 3 **THE COURT:** From the government?

12:16PM 4 **MR. TRIPI:** No, Your Honor.

12:16PM 5 **THE COURT:** Okay. See you in a few minutes.

12:16PM 6 **THE CLERK:** All rise.

12:16PM 7 (Off the record at 12:16 p.m.)

12:32PM 8 (Back on the record at 12:32 p.m.)

12:32PM 9 (Jury not present.)

12:32PM 10 **THE CLERK:** All rise.

12:32PM 11 **THE COURT:** Please be seated.

12:32PM 12 **THE CLERK:** We are back on the record for the  
12:32PM 13 continuation of the jury trial in case number 19-cr-227,  
12:32PM 14 United States of America versus Joseph Bongiovanni.

12:33PM 15 All counsel and parties are present.

12:33PM 16 **THE COURT:** Okay. Are we ready to go?

12:33PM 17 **MR. TRIPI:** Yes, Your Honor, thank you.

12:33PM 18 **THE COURT:** Anything?

12:33PM 19 **MR. MacKAY:** No.

12:33PM 20 **THE COURT:** Great. Let's bring them in.

12:34PM 21 (Jury seated at 12:34 p.m.)

12:34PM 22 **THE COURT:** The record will reflect that all our  
12:34PM 23 jurors are present.

12:34PM 24 I remind the witness he's still under oath.

12:34PM 25 Mr. Tripi, you may continue.

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**MR. TRIPI:** Thank you.

I'd like to show you one more call related to Paul Francoforte, and we were having a little trouble before with the spreadsheet. I think we got that squared away.

I thank the Court and the jury for its indulgence.

Let's pull that up, Ms. Champoux, the 19013167 V-O-L-T-E spreadsheet. We've honed in on an entry at row 2511 dated January 28th, 2019.

**BY MR. TRIPI:**

Q. And you've oriented yourself to this spreadsheet now.

Can you tell the jury what this call is?

A. It's a call from 866-2687 to 818-0966 for 15 minutes.

Q. So that's Francoforte calling to Bongiovanni?

A. Yes.

Q. For 15 minutes or seconds?

A. Actually, no, that's probably seconds. Now that I see the rest of those numbers without seeing the top.

Q. That same day, January 28th, 2019, is that the same day that HSI executed a search warrant at Michael Sinatra's residence?

A. Yes.

Q. Is there a familial relationship between Paul Francoforte and Michael Sinatra?

A. Yes.

Q. And what is that relationship?

1 A. Michael Sinatra is married to Paul Francoforte wife's  
2 daughter.

3 Q. Is there any explanation documented in any report in this  
4 defendant's file, C2-13-0026, explaining Paul Francoforte's  
5 connection to anyone in that file?

6 A. None that I saw, no.

7 **MR. TRIPI:** You can take that down, Ms. Champoux.

8 **BY MR. TRIPI:**

9 Q. Yesterday you were shown Exhibit 72A-55.

10 **MR. TRIPI:** Can we pull that up very briefly. And I  
11 think -- you can zoom in on 14, if we could.

12 **BY MR. TRIPI:**

13 Q. Mr. MacKay directed you to a person in row number 14,  
14 first name Wayne; do you remember that?

15 A. Yes.

16 Q. In this -- in this case in the investigation you  
17 conducted, other than Wayne Anderson, did you identify any  
18 Wayne that was connected to Joe Bongiovanni?

19 A. No.

20 Q. Did you identify any Wayne that had any connection to Lou  
21 Selva?

22 A. No.

23 Q. Did you identify any Wayne other than Wayne Anderson that  
24 had any connection with Anthony Gerace?

25 **MR. MacKAY:** Objection to this line of questioning at



1 this point as relevant to what's connected to Joe Bongiovanni.

2 **THE COURT:** Yeah, I agree. What's the point,  
3 Mr. Tripi?

4 **MR. TRIPI:** I'll withdraw as to Bongiovanni. I'll  
5 re-ask it.

6 **BY MR. TRIPI:**

7 Q. Did you identify any other Wayne that had a connection to  
8 Anthony Gerace other than Wayne Anderson?

9 **MR. MacKAY:** Objection.

10 **THE COURT:** Yeah, sustained. I don't understand what  
11 the point is. How do we know this Wayne is connected to  
12 anybody -- there's thousands, maybe millions of people in this  
13 world named Wayne, aren't there?

14 **MR. TRIPI:** I think there's a logical inference to be  
15 drawn from the question, Judge, but if the Court disagrees,  
16 I'll move on.

17 **THE COURT:** Yeah, please.

18 **BY MR. TRIPI:**

19 Q. I'll ask it one different way. The only Wayne Anderson  
20 identified in this investigation is the Wayne Anderson that's  
21 file title C2-13-0026; is that right?

22 A. Yes.

23 **MR. TRIPI:** We can take that down. Ms. Champoux, can  
24 we pull up Exhibit 310D.

25 **BY MR. TRIPI:**

12:38PM 1 Q. Those were the text messages that you reviewed all day  
12:38PM 2 yesterday essentially; do you recall that?

12:38PM 3 A. I do.

12:38PM 4 Q. Yesterday, Mr. MacKay cross-examined you about  
12:38PM 5 communications and gaps in communication in the text  
12:38PM 6 messages, generally; do you remember that line of  
12:38PM 7 questioning?

12:38PM 8 A. Yes.

12:38PM 9 Q. Okay. But you've reviewed at least some of the phone  
12:38PM 10 records associated with Mr. Gerace and Mr. Bongiovanni; is  
12:38PM 11 that true?

12:38PM 12 A. Yes.

12:38PM 13 Q. In between those gaps in text messages, did you observe  
12:38PM 14 phone contact?

12:38PM 15 A. Yes.

12:38PM 16 Q. I'd like to just go through some examples of that.

12:39PM 17 **MR. TRIPI:** We can take this down Ms. Champoux. And  
12:39PM 18 let's pull up Government Exhibit 359. And I'm looking for the  
12:39PM 19 pdf 190115566 billed calls 2014\_2015.

12:39PM 20 **BY MR. TRIPI:**

12:39PM 21 Q. And I'd like to -- so it's your understanding that the  
12:39PM 22 beginning of this begins in 2014, then we go into 2015, do  
12:39PM 23 you see that?

12:39PM 24 A. Well, is this December 2013 or 2014? Can I see when this  
12:39PM 25 bill is due?

1 Q. I think we have to go to the first batch.

2 A. I think we're at the top page.

3 **MR. TRIPI:** One moment. Let's zoom out of this,  
4 Ms. Champoux. And let's go to billed calls 2012, 2013 for a  
5 moment. Go all the way to the bottom.

6 **BY MR. TRIPI:**

7 Q. Okay. So you see the last date there, end of 2013 is  
8 12/25?

9 A. Yes.

10 Q. Okay. So let's go to the next pdf now. We're still in  
11 2013 here?

12 A. 12/26/2013.

13 Q. Now you're oriented?

14 A. Yes. Thank you.

15 Q. You're welcome.

16 **MR. TRIPI:** I'm looking for a call January 10th,  
17 2015, Ms. Champoux, and I'd like to go to page 654 of this  
18 pdf.

19 **MR. MacKAY:** Judge, I'm going to object at this point  
20 as beyond the scope. I believe my cross only focused on the  
21 June 30th cottage time and then I think it's post November  
22 2017.

23 **MR. TRIPI:** Judge, I disagree. I think he  
24 cross-examined him generally about gaps in communication.

25 **THE COURT:** About?

12:41PM 1 **MR. TRIPI:** Gaps in communication regarding the text  
12:41PM 2 messages.

12:41PM 3 **THE COURT:** I'll allow it. I'll allow it.

12:41PM 4 **MR. TRIPI:** Looking for a call January 10th  
12:41PM 5 between -- okay. Thank you. You caught it for me.

12:41PM 6 **BY MR. TRIPI:**

12:41PM 7 Q. So we see this is the call detail record we're looking at  
12:41PM 8 for Mr. Gerace; do you see that?

12:41PM 9 A. Yes.

12:41PM 10 Q. And do you see a number that -- that's associated with  
12:41PM 11 Mr. Bongiovanni on January 10th, what is it, 2015 in this  
12:41PM 12 record?

12:41PM 13 A. Yes, that's 7:12 p.m.

12:42PM 14 Q. And is that an incoming or outgoing call?

12:42PM 15 A. That is an outgoing call from Mr. Gerace.

12:42PM 16 Q. So that's from Mr. Gerace to Mr. Bongiovanni  
12:42PM 17 January 10th?

12:42PM 18 A. Yes.

12:42PM 19 **MR. TRIPI:** Okay. If we can go to page 704. And  
12:42PM 20 look at February 16th, at 2:40.

12:42PM 21 **BY MR. TRIPI:**

12:42PM 22 Q. Do we see a call there from Mr. Gerace to  
12:42PM 23 Mr. Bongiovanni?

12:42PM 24 A. Yes. 2:45 p.m. for six minutes.

12:42PM 25 **MR. TRIPI:** All right. Now Ms. Champoux, I'd like

1 you to go to Exhibit 358 for a moment. And I'd like you to  
2 open the bills at the top.

3 **BY MR. TRIPI:**

4 Q. We're in Exhibit 358 now. This is Mr. Bongiovanni's  
5 billed records, we looked at those earlier; do you see that?

6 A. Yes.

7 **MR. TRIPI:** Ms. Champoux, can we go to page 177.  
8 Looking for a call that same day, February 16th, 2015.

9 **BY MR. TRIPI:**

10 Q. Do you see a call to Mr. Gerace?

11 A. Yes, at 2:40 for one minute.

12 Q. From Mr. Bongiovanni?

13 A. Yes.

14 Q. So that's -- is that an example of them calling each  
15 other?

16 A. Yes.

17 Q. Two-way communication?

18 A. Yes.

19 Q. Now in your interview with Mr. Bongiovanni, he indicated  
20 to you the communication was one way?

21 A. Yes, that's correct.

22 Q. I'd like to stay in this exhibit, and walk through a  
23 couple examples. Okay?

24 **MR. TRIPI:** Ms. Champoux, if we can go to page 211,  
25 call June 6th, 2015 at 3:55 p.m.

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**BY MR. TRIPI:**

Q. Is that an example of a call from Mr. Bongiovanni to Mr. Gerace?

A. Yes.

Q. And what's the duration?

A. Six minutes.

Q. I'd like to stay in the same exhibit. Let's go to page 212, looking for a call on that day. June 10th.

Is this an example of a nine-minute call June 10th, 2015, from Mr. Bongiovanni to Mr. Gerace?

A. Yes, at 6:29 p.m.

Q. And then you see two calls below that, a call from Mr. Bongiovanni to 903-1654?

A. I see one above to 1654. Oh, I see it.

Q. Is that 903-1654, is that Lou Selva's phone number?

A. Yes.

Q. Let's go to a call July 19th, it's going to be at page 226, 3:01 p.m. Is that another example of a call in Exhibit 358 from Mr. Bongiovanni to Mr. Gerace on July -- that one's July 19th?

A. Yes, at 3:01 p.m. for six minutes.

Q. I'm looking next for a call July 21st, 2015, it's going to be at page 227. This will be at 9:30 a.m. on July 21st. 9:34 a.m. Sorry, I misspoke. Is this another call from Mr. Bongiovanni to Mr. Gerace?

12:46PM 1 A. Yes, for seven minutes.

12:46PM 2 Q. I'd like to go to August 1st, 2015. It's going to be

12:46PM 3 page 234. It should be at 6:18 p.m. Is that another example

12:46PM 4 of a call from Mr. Bongiovanni to Mr. Gerace?

12:46PM 5 A. Yes, for two minutes.

12:46PM 6 Q. I'd like to go to page 244. It should be a call at

12:47PM 7 7:25 p.m. on 9/1. Is that an example of a call

12:47PM 8 September 21st from Mr. Bongiovanni to Mr. Gerace at

12:47PM 9 7:25 p.m.?

12:47PM 10 A. Yes.

12:47PM 11 Q. For how long?

12:47PM 12 A. Two minutes.

12:47PM 13 Q. I'd like to go to September 15th at 9:58 p.m. That

12:47PM 14 should be at page 246 at 9:58 p.m. Is that another example

12:47PM 15 of a call September 12th, 2015 from Mr. Bongiovanni to

12:47PM 16 Mr. Gerace at 9:58 p.m.?

12:47PM 17 A. Yes.

12:47PM 18 Q. And that was for a minute?

12:47PM 19 A. One minute.

12:47PM 20 Q. Next I'm looking for a call October 23rd, 2015, at

12:48PM 21 12:48 p.m. That should be at page 258, at 12:48 p.m. on the

12:48PM 22 23rd. And is that an example of an 11-minute call from

12:48PM 23 Mr. Bongiovanni to Mr. Gerace on that date, October 23rd?

12:48PM 24 A. Yes.

12:48PM 25 Q. Do those calls that we've just gone through fill some of

1 the gaps in the text messaging that was in Exhibit 310D?

2 A. Yes.

3 **MR. MacKAY:** Objection, argumentative.

4 **MR. TRIPI:** I'm trying to frame it.

5 **THE COURT:** No, overruled.

6 **BY MR. TRIPI:**

7 Q. Was there also a gap in texts in the text thread that you  
8 looked at from roughly November 30th, 2015 to February 22nd,  
9 2016 where you didn't see a lot of texts from Bongiovanni  
10 back to Gerace?

11 A. Yes.

12 Q. In that gap in time, were there some text -- withdrawn,  
13 some phone calls between the two of them?

14 A. Yes.

15 **MR. TRIPI:** I'd like to stay in this exhibit,  
16 Ms. Champoux. And let's go to a date January 6th, 2016, at  
17 8:16 a.m. It should be on page 289. And, again, that time is  
18 8:16 a.m. on January 6th.

19 **BY MR. TRIPI:**

20 Q. Is this another example of a call from Mr. Bongiovanni to  
21 Mr. Gerace during that -- on that day?

22 A. Yes. It's a two-minute call.

23 Q. And is there another call at 8:28 a.m. that same day?

24 A. Yes, for four minutes.

25 Q. Is that other another outgoing call from Mr. Bongiovanni



1 to Mr. Gerace?

2 A. It is.

3 Q. Was there another sort of window of time in the text

4 messages that you looked at in Exhibit 310D from roughly

5 February 22nd, 2016 until April 19th where there were less

6 text communications where Mr. Bongiovanni was texting back?

7 A. Yes.

8 Q. But were there -- were there calls that you saw during

9 that window of time?

10 A. Yes.

11 **MR. TRIPI:** Ms. Champoux, can we go to April 1, 2016?

12 This should be in the same exhibit on page 321. It's going to

13 be April 1st, 2016 at 9:37 a.m.

14 **BY MR. TRIPI:**

15 Q. Do you see a call from Mr. Bongiovanni to Mr. Gerace that

16 day?

17 A. That's an incoming call. So --

18 Q. I'm sorry --

19 A. -- the other direction for 31 minutes.

20 Q. So from Mr. Gerace to Mr. Bongiovanni?

21 A. Yes.

22 Q. And how long was it for?

23 A. 31 minutes.

24 Q. And I'd like to stick with that same date, April 21st,

25 2016, at 3:03 p.m.

12:51PM 1 A. I see it.

12:51PM 2 Q. In which direction is that call?

12:51PM 3 A. From Mr. Bongiovanni to Mr. Gerace for two minutes.

12:51PM 4 Q. Were you able to look at or ascertain what day of the  
12:51PM 5 week it was on April 1st, 2016, if you -- if you recall?

12:51PM 6 A. I recall doing it, I can't recall the day right now.

12:51PM 7 Q. Let's go to April 18th, 2016. Let's look at a call on  
12:51PM 8 that date, it's going to be at page 326, at 10:36 p.m.

12:52PM 9 Is that an incoming call from Mr. Gerace to

12:52PM 10 Mr. Bongiovanni at 10:36 p.m. that day?

12:52PM 11 A. Yes, for six minutes.

12:52PM 12 Q. Again, this is addressing that window from February to  
12:52PM 13 April of 2016, right?

12:52PM 14 A. Yes.

12:52PM 15 Q. And then if we go -- if you go back to 310D, after that  
12:52PM 16 call, texts pick back up; is that right? On April 19th,  
12:52PM 17 2016?

12:52PM 18 **MR. TRIPI:** Can we scroll down 310D to texts in April  
12:52PM 19 of 2016, Ms. Champoux? Scroll up a little bit further. Yeah,  
12:53PM 20 right there.

12:53PM 21 **BY MR. TRIPI:**

12:53PM 22 Q. So we had some text communication in March, and then we  
12:53PM 23 pick back up April 19th; is that right?

12:53PM 24 A. Yes.

12:53PM 25 **MR. TRIPI:** You can take that down. Go back to

Exhibit 358, Ms. Champoux.

**BY MR. TRIPI:**

Q. I'd like to show you another one. Looking for May 28th, 2016, should be at page 340 at 2:16 p.m. May 28th, page 340, 2:16 p.m.

Do you see calls -- a call on that day from the defendant to Mr. Gerace?

A. Yes, for four minutes.

Q. And then later that day, do you see two more calls?

A. Yes. For two minutes, and then for three minutes.

Q. So there are calls at 2:16, 3:37, and 3:44 p.m.?

A. Yes.

Q. And, again, those were just some of the calls you looked at, you didn't look at all the records; is that right?

A. That's right.

**MR. TRIPI:** We can take that down, Ms. Champoux.

**BY MR. TRIPI:**

Q. You were asked some questions yesterday about what Special Agent Casullo did or didn't do before the Ron Serio proffer; do you recall being asked questions about what Special Agent Casullo did?

A. Yes.

Q. Fair to say Special Agent Casullo will know more about what he did or didn't do before that proffer than you would?

**MR. MacKAY:** Objection.

25 | **MR. TRIPI:** Ms. Champoux, can we show the entry for

Frank Tripi in this record?

**BY MR. TRIPI:**

Q. Do you see that phone number, there 716-429-06 -- I'm sorry, 429-6445?

A. Yes. Yes, I do.

Q. And although the last name is spell wrong, that's a contact in Peter Gerace's phone?

A. Yes.

Q. And yesterday you indicated you reviewed contacts in Ron Serio's phone as well?

A. Yes.

Q. He had the same number and the same contact for Frank Tripi, correct?

A. Yes.

**MR. TRIPI:** And I'd like to pull up Exhibit 30, Ms. Champoux.

**BY MR. TRIPI:**

Q. Now you indicated yesterday Mr. Bongiovanni's retirement was on or about February 1st, 2019; do you recall that?

A. Yes.

**MR. TRIPI:** Can we go down to October training, is October trainings in 2018? I was wrong. It's September, right there.

**BY MR. TRIPI:**

Q. Do you see, preretirement seminar he took on

1 September 21st, 2018?

2 A. Yes.

3 Q. Is that date, September 21st, 2018, a date after the Ron  
4 Serio proffer and a date after Casullo reported the  
5 race-related comments?

6 A. Yes.

7 Q. Okay. Now let's go take a look at -- go back to  
8 Exhibit 358 at page 610. And we're in the 190131677 bills  
9 pdf. And we're in 2018 billing cycle; do you see that?

10 A. Yes.

11 Q. So we're gonna go to a call, October 28th, 2018, with  
12 429-6445. We're looking for --

13 **MR. TRIPI:** I might have misspoke, October 18th,  
14 Ms. Champoux. It's right here. Can you highlight that?

15 **BY MR. TRIPI:**

16 Q. Do you see several calls actually on that day with that  
17 Frank Tripi phone? 5:30, 5:38?

18 A. Yes, I see them.

19 Q. And do you see another one on October 19th at 2:14 p.m.?

20 A. Yes.

21 Q. I misspoke, I got that one wrong. I'm sorry. There's  
22 two. Do you see those?

23 A. October 18th at 5:30 and 5:38 p.m.

24 Q. And the outgoing call is from Mr. Bongiovanni to that  
25 number, 429-6445?

01:01PM 1 A. Yes.

01:01PM 2 Q. And if we go to page 611, I'm looking for -- all right,  
01:01PM 3 now that's the -- October of 2018 is about four months or so  
01:01PM 4 and change before Mr. Bongiovanni retired?

01:01PM 5 A. Yes.

01:01PM 6 **MR. TRIPI:** And let's go back to 100A.1 and go to the  
01:01PM 7 OCDETF report. Let's scroll down. Scroll down to the  
01:02PM 8 narrative sort of the second-to-last page. Scroll up a little  
01:02PM 9 bit. Keep going.

01:02PM 10 **BY MR. TRIPI:**

01:02PM 11 Q. As she's doing that, did you see some dates in here  
01:02PM 12 earlier -- there it is, March 11th, 2013?

01:02PM 13 A. Yes.

01:02PM 14 Q. That's a date around the time this draft is being  
01:02PM 15 prepared, fair to say?

01:02PM 16 A. I would say that this draft is prepared sometime soon  
01:02PM 17 after that.

01:02PM 18 Q. Okay. A little over five years later, this defendant is  
01:02PM 19 in phone contact with Frank Tripi from the records we just  
01:02PM 20 saw?

01:02PM 21 A. Yes.

01:02PM 22 Q. And then this document is found in the defendant's  
01:02PM 23 basement at retirement; is that right?

01:02PM 24 A. After retirement, yes.

01:03PM 25 **MR. TRIPI:** Just a moment, Judge.

1 I don't have any further redirect. Thank you,  
2 Your Honor.

3 **THE COURT:** Mr. MacKay?

4  
5 **RECROSS-EXAMINATION BY MR. MacKAY:**

6 Q. Okay. I'll try to be brief here, Agent Ryan. I know  
7 you've been here for a few days.

8 **MR. MacKAY:** All right. So, Ms. Champoux, can we  
9 pull up Government Exhibit 310AT.

10 **MR. TRIPI:** Did you say AT?

11 **MR. MacKAY:** Yeah, AT, yeah, what we were looking at  
12 with the contacts.

13 **MR. TRIPI:** I'm sorry.

14 **MR. MacKAY:** Actually, no, let me skip this. You can  
15 take this down. Can we go back to Exhibit 358,  
16 Mr. Bongiovanni's call records.

17 Pull up the 190 bills. And can we again control F  
18 Mr. Tripi's number, 429-6445.

19 Looks like it's not searching for it exactly.

20 **MS. CHALBECK:** Parker, it's easier if you just do the  
21 last four.

22 **MR. MacKAY:** Okay. Can you do just 6445?

23 **BY MR. MacKAY:**

24 Q. Okay. So it comes up three times here you see in the  
25 search, correct?



01:04PM 1 A. Yes.

01:04PM 2 Q. Okay. October 18th, here?

01:04PM 3 A. I see that.

01:04PM 4 Q. Can we go to the next -- and then those two that

01:04PM 5 Mr. Tripi asked you about, Mr. Tripi asked you about

01:04PM 6 Mr. Tripi's calls. So all three are on October 18th,

01:04PM 7 correct?

01:04PM 8 A. October 18th, 2018, yes.

01:05PM 9 Q. Are you aware of whether Mr. Bongiovanni was in contact

01:05PM 10 with Mr. Tripi about buying a Roomba vacuum on Facebook

01:05PM 11 marketplace?

01:05PM 12 A. I'm not aware.

01:05PM 13 Q. Do you know whether the FBI, prior to this trial,

01:05PM 14 interviewed Mr. Tripi about that situation, alleged

01:05PM 15 situation?

01:05PM 16 A. I don't know.

01:05PM 17 Q. And you don't know whether he confirmed that, do you?

01:05PM 18 A. No.

01:05PM 19 **MR. MacKAY:** You can take that down, Ms. Champoux,

01:05PM 20 thank you.

01:05PM 21 **BY MR. MacKAY:**

01:05PM 22 Q. Okay. You were asked about what Mr. -- Agent Casullo may

01:05PM 23 or may not have done prior to the July 2018 Ron Serio

01:05PM 24 proffer, correct?

01:05PM 25 A. Yes.

01:05PM 1 Q. Okay. And obviously the way you reported it, it was he's  
01:05PM 2 gonna know what he knows, correct?

01:05PM 3 A. Yes.

01:05PM 4 Q. But fair to say from what you were able to observe in  
01:05PM 5 your dealings in the proffer, Mr. Casullo came to the proffer  
01:06PM 6 prepared to talk about Ron Serio and the subjects that were  
01:06PM 7 discussed?

01:06PM 8 A. Yes.

01:06PM 9 Q. Appeared -- you could tell, again, he didn't go in blind,  
01:06PM 10 correct?

01:06PM 11 A. It didn't look that way, no.

01:06PM 12 Q. He appeared to know about the topics being discussed on  
01:06PM 13 Mr. Serio, correct?

01:06PM 14 A. Yes.

01:06PM 15 Q. Okay. You were shown a lot of phone logs here with the  
01:06PM 16 phone bills, you went through with Mr. Tripi, and you saw all  
01:06PM 17 the dates; do you remember those?

01:06PM 18 A. I don't remember each date, but I remember doing it.

01:06PM 19 Q. No, but you remember the format of those bills; is that  
01:06PM 20 fair to say?

01:06PM 21 A. Yes.

01:06PM 22 Q. What those looked like? I just don't want to go through  
01:06PM 23 them all. But is it your experience typically when you see  
01:06PM 24 an entry on a phone bill and you see a one-minute entry,  
01:06PM 25 that's consistent sometimes with a phone call not even

1 connecting?

2 A. I think it's at least connected.

3 Q. But beyond that, it's not clear whether there's any

4 contact on a one-minute call, correct?

5 A. Something up to a minute, it could be a voicemail, it

6 could be a brief conversation.

7 Q. Right. It could be as little as, like, a second or two

8 long call and just registers as one minute is the least

9 amount of time that shows on the bills, correct?

10 A. Yes.

11 Q. Okay.

12 **MR. MacKAY:** Okay. Can we show Government Exhibit

13 26E please, Ms. Champoux.

14 **BY MR. MacKAY:**

15 Q. Okay. We went through this before. This is the DARTS

16 email. And the way you described it is the lower part is

17 sort of the original DARTS email that Mr. Bongiovanni would

18 have received on August 21st, 2018, correct?

19 A. Yes.

20 Q. And when we went through this, it would have alerted him

21 based on what you can see, about you doing something in

22 relation to the Ron Serio DTO investigation, correct?

23 A. I entered those phone numbers.

24 Q. Right. So my question, though, was this email would have

25 shown him that you were working on something associated with

01:08PM 1 investigating a Ron Serio DTO, correct?

01:08PM 2 A. You mean, you're asking me to decide what he concluded?

01:08PM 3 Q. No. I'm asking you not what he concluded, but what he's

01:08PM 4 able to see based on what he receives here in this record.

01:08PM 5 A. And I'm just saying it's, again, like, yesterday or

01:08PM 6 whatever it was that we went through it, it's specific to

01:08PM 7 telephone numbers. So I'm just trying to keep my answers

01:08PM 8 specific to what the email shows.

01:08PM 9 Q. Right. I mean --

01:08PM 10 A. I entered a phone number, and I said it was associated to

01:08PM 11 the Ron Serio DTO. And that's the extent of what it shows.

01:08PM 12 Q. Yes. And maybe we're dancing around it, but ultimately

01:08PM 13 this email Mr. Bongiovanni receives, correct?

01:08PM 14 A. Yes.

01:08PM 15 Q. And it's got something to do with the Ron Serio DTO,

01:08PM 16 correct? From what you can see on the email?

01:08PM 17 A. The phone number is associated with the Ron Serio DTO.

01:08PM 18 Yes.

01:08PM 19 Q. And that record shows that you're doing some work with

01:08PM 20 that phone number, correct?

01:08PM 21 A. Yes.

01:09PM 22 Q. And then what Mr. Bongiovanni does after that, about an

01:09PM 23 hour or more after that email is sent, he appears to forward

01:09PM 24 it to his boss, correct?

01:09PM 25 A. Yes.

1 Q. Greg Yensan was his group boss at that time, correct?

2 A. Yes.

3 Q. So what we can tell just by looking at the email is

4 Mr. Bongiovanni received this, and he forwarded it to his

5 boss?

6 A. Yes.

7 Q. And just to be clear, at this time, Greg Yensan is the

8 D-57 boss, group supervisor in which Mr. Bongiovanni is in

9 that group, correct?

10 A. That's correct.

11 Q. But you were over in D-58 at the time, correct?

12 A. Yes.

13 **MR. MacKAY:** Now, you can take that down,

14 Ms. Champoux. Thank you.

15 **BY MR. MacKAY:**

16 Q. You were asked some questions on redirect about the term

17 "close relationship;" do you remember that?

18 A. Yes.

19 Q. And that was in the interview about describing the

20 relationship between Mr. Bongiovanni and Mr. Gerace, correct?

21 A. Yes.

22 Q. My -- remind me, I think you said on cross, though, you

23 don't remember what Mr. Bongiovanni actually said to describe

24 the relationship, correct?

25 A. Right. The sum and substance of his statements were that

01:10PM 1 it was a relationship that was not a close relationship. And  
01:10PM 2 a relationship where communication went one way from  
01:10PM 3 Mr. Gerace to Mr. Bongiovanni.

01:10PM 4 Q. Okay. But I just want to be clear, the way you're  
01:10PM 5 describing it, Mr. Bongiovanni doesn't use the term "close  
01:10PM 6 relationship," correct? He doesn't use that phrase, whether  
01:10PM 7 he's referring to whether something is a close relationship  
01:10PM 8 or not a close relationship, he doesn't use that phrase?

01:10PM 9 A. I don't remember if he used that exact phrasing, no.

01:10PM 10 Q. Because you can't remember the exact words he used as you  
01:10PM 11 sit here today, correct?

01:10PM 12 A. No, I remember his message.

01:10PM 13 Q. Okay. Okay. And then we can respond to some of  
01:11PM 14 Mr. Tripi's questions. You talked about that there were a  
01:11PM 15 lot of subpoenas and subpoena records in the Wayne Anderson  
01:11PM 16 file that you reviewed, correct?

01:11PM 17 A. Yes.

01:11PM 18 Q. Now, there was other information and other papers in that  
01:11PM 19 file as well, too, correct?

01:11PM 20 A. Yes.

01:11PM 21 Q. And we're talking not just about the --

01:11PM 22 A. Actually, can I -- can we differentiate which Wayne  
01:11PM 23 Anderson file you're asking about?

01:11PM 24 Q. Yeah, I'm gonna actually expand it to be both, both the  
01:11PM 25 shared file and the physical file that you found at

01:11PM 1 Mr. Bongiovanni's house.

01:11PM 2 A. But specific to the last question, which one are you

01:11PM 3 asking me about?

01:11PM 4 Q. I'm asking about both.

01:11PM 5 A. Okay.

01:11PM 6 Q. You saw things like photos that appeared to be some sort

01:11PM 7 of surveillance, correct?

01:11PM 8 A. No. That was a Google Maps photo.

01:11PM 9 Q. I'm saying, did you review the shared file contents? The

01:11PM 10 shared file contents of the Wayne Anderson file.

01:12PM 11 A. Online shared file?

01:12PM 12 Q. Yes.

01:12PM 13 A. Yeah. There were -- yes, there were photos in there.

01:12PM 14 Q. There were photos. That contained subpoenas, correct?

01:12PM 15 A. Yes.

01:12PM 16 Q. It contained the hot sheets and reports that are

01:12PM 17 generated in response to subpoenas, correct?

01:12PM 18 A. Yes.

01:12PM 19 Q. There were a number of subpoena utility returns, correct?

01:12PM 20 A. There were some, yes.

01:12PM 21 Q. You said there were some maps and locations of Google

01:12PM 22 Maps, correct?

01:12PM 23 A. Yes.

01:12PM 24 Q. Okay. Appeared to be criminal histories that were run,

01:12PM 25 correct?

1 A. You -- the line of questioning is a little bit of  
2 confusing though, because you're talking about online shared  
3 files, you're conflating them with what was in his basement.  
4 Q. I'm talking about in relation to the entire Wayne  
5 Anderson investigation. Whether it was in a physical copy or  
6 whether it was on the shared --

7 **MR. TRIPI:** Judge --

8 **MR. MacKAY:** I --

9 **MR. TRIPI:** -- I object under 403. It's clearly the  
10 witness is saying he's conflating two files, he can't answer  
11 it in the way it's being asked.

12 **THE COURT:** He hasn't asked a question yet.

13 **MR. TRIPI:** It was right before --

14 **THE COURT:** Ask a question.

15 **BY MR. MacKAY:**

16 Q. In relation to all of the material that you saw  
17 associated with the Wayne Anderson investigation, that's what  
18 my -- that was done in 2013 -- that was started in 2012, went  
19 into 2013, so I'm talking about both the physical file you  
20 saw at Mr. Bongiovanni's house and I'm talking about the  
21 online file, all those things I just went through, you saw  
22 them somewhere in that investigation, correct?

23 **MR. TRIPI:** Objection as to the term "investigation."

24 **THE COURT:** No, I don't have a problem with that.

25 But the "all that" I have a problem with.



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1                   **MR. MacKAY:** Well --

2                   **THE COURT:** So I'm going to sustain the objection to

3 the form of the question.

4                   **BY MR. MacKAY:**

5 Q. Okay. So I listed a bunch of different things that we

6 talked about, different -- we'll call them investigative

7 materials. Do you recall all of those I just went through?

8 A. Yes.

9 Q. Like the subpoenas, correct?

10 A. Yes.

11 Q. Photos, correct?

12 A. Yes.

13 Q. The subpoena returns for utilities, correct?

14 A. Yes.

15 Q. Criminal histories, correct?

16 A. Yes.

17 Q. NADDIS searches, correct?

18 A. Yes.

19 Q. DMV records, correct?

20 A. Yes.

21 Q. Now those are all things that, in your experience as a

22 DEA agent, are things that are associated with investigative

23 steps in an investigation with the DEA, correct?

24 A. They're part of doing the background on targets, yes.

25 Q. Right. So those are background steps that are taken in

1 an investigation for the DEA, correct?

2 A. Yes.

3 Q. And no matter where the pieces of the Wayne Anderson file  
4 were located -- on a share file, in the physical file at his  
5 house -- you saw those things that we just went through,  
6 correct?

7 A. I guess if you're talking about after the search warrant  
8 at his house, then yes, that's correct.

9 Q. Through the course of your investigation, you came to sit  
10 here today and you reviewed all of that material, you saw all  
11 of those things, correct?

12 A. Yes.

13 **MR. MacKAY:** Okay. No further questions, Your Honor.

14 **MR. TRIPI:** I just have one, Judge.

15

16 **RE-REDIRECT EXAMINATION BY MR. TRIPI:**

17 Q. To be clear, just because there was some confusion a  
18 minute ago, there were no hot sheets or phone analysis in the  
19 official DEA files, either in hard copy or in the shared  
20 file, that you had access to before you did the search  
21 warrant at the defendant's house, correct?

22 A. No. None that I saw, no.

23 Q. So, correct?

24 A. Correct, yes.

25 Q. Those were in his basement?

01:15PM 1 A. Yes.

01:15PM 2 **MR. TRIPI:** Nothing further.

01:15PM 3 **MR. MacKAY:** No further questions, Your Honor.

01:15PM 4 **THE COURT:** Amen. You are -- you are finally done.

01:15PM 5 You may step down. Thank you.

01:15PM 6 **THE WITNESS:** Thank you, Your Honor.

7 (Witness excused at 1:15 p.m.)

8 \* \* \* \* \*

9  
10  
11 **CERTIFICATE OF REPORTER**

12  
13 In accordance with 28, U.S.C., 753(b), I  
14 certify that these original notes are a true and correct  
15 record of proceedings in the United States District Court for  
16 the Western District of New York on September 12, 2024.

17  
18 s/ Ann M. Sawyer  
19 Ann M. Sawyer, FCRR, RPR, CRR  
20 Official Court Reporter  
21 U.S.D.C., W.D.N.Y.  
22  
23  
24  
25

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EXCERPT - EXAMINATION OF CURTIS RYAN - DAY 3

SEPTEMBER 12, 2024

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P A G E

C U R T I S     R Y A N

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